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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16313 of 2023

1. S. Anandh

2. K.Chinnadurai

3. S.Siva

4. P.Vasanth

... Petitioners/ Accused 1 to 4

Vs

The State represented by
The Inspector of Police,
Avudiyarkovil Police Station,
Pudukottai District,
Crime No.133/2023.

... Respondent/Complainant

For Petitioners : M/s.Kharikharadas.K,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.133/2023 on the file of the respondent police



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ORDER : The Court made the following order :-

The petitioners/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 379 of IPC and Section 21(1), 21(2) of Mines and Minerals (Development Regulation) Act, 1957, in Crime No.133 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 31.08.2023 at about 03.00 p.m., when the defacto complainant had conducted raid, on receiving a secret information near Pakkudi Kanmoi, found a JCB and a Tractor loaded with kanmoi sand. Hence a complaint was lodged and a case was registered.

3. The learned counsel for the petitioners submitted that the petitioners are an innocent and they has been falsely implicated in this case. He has not committed any offence as alleged by the prosecution. However, to show his *bona fide*, the petitioners have come forward to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only).

4. Learned Government Advocate (Crl.side) would submit that the petitioners were illegally transported each 1 unit of kanmoi sand. No previous case has been registered against him.

5. Considering the nature of the mineral involved, and his willingness to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) this Court is inclined to grant



anticipatory bail to the petitioners.

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6. Accordingly, this Criminal Original Petition is allowed on condition that

(i) the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the *Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books in the name of "Madurai Bench of Madras High Court" in Kalaignar Centenary Library, Madurai,* without prejudice to his rights and contentions before the trial Court.

ii) further, the petitioners shall deposit a sum of Rs. 15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.133 of 2023 before the learned Judicial Magistrate, Aranthangi.

7. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Aranthangi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



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8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
11/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

TO

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
AVUDIAYARKOVIL POLICE STATION,
PUDUKOTTAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

1 THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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KALAI GNAR CENTENARY LIBRARY,
MADURAI.

ORDER
IN
CRL OP(MD) No.16313 of 2023
Date :11/09/2023

SS/DD/25/09/2023/5P/7C

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