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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16613 of 2023

1.Silambarasan

2.Brindha

... Petitioner/ Accused Nos.1 and 2

Vs

The State Rep.by
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
Crime No.286 of 2023.

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar,
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.286 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused, apprehending arrest at the hands of the respondent

police for the alleged offence punishable under Section 379 I.P.C r/w Sections 21(1),

<https://www.mhc.tn.gov.in/judis>



21(2) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.286 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.09.2023, the respondent Police was on surveillance to unearth illegal sand mining at Thandankorai Railway Gate, a Taras lorry bearing registration No.TN 28 AF 9342 was found to be loaded with seven units of sand. It is further alleged that the second petitioner is the owner of the vehicle and she purchased five units of sand from Government quarry and transported the same. On the way, she purchased two more units of sand from the bullock cart owners and transported the same without proper permission. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have falsely implicated in this case. However, to show their *bona fide*, the petitioners have come forward to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only).

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported two units of sand illegally. He further submitted that there is no previous case pending against the petitioners herein.

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5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.30,000/- (Rupees thirty Thousand only) this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) jointly to the credit of Cr.No.286 of 2023 before the trial Court concerned. Further, the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** jointly 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 Kalaingar Centenary Library, Madurai,** without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.III, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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.

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

sd/-
20/09/2023

/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.

2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT.

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



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MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13961[I] dated 21/09/2023)

ORDER

IN

CRL OP(MD) No.16613 of 2023

Date :20/09/2023

Indu

MK/05.10.2023 5P 8C

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