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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). Nos.16918 & 16948 of 2023

1. Siva @ Sivanandham,

2. Karunanithi,

3. Mahendran,

... Petitioners/ Accused No.12 to 14
in Crl.O.P.(MD).Nos.16918 of 2023

Palani @ Pazhanivel

... Petitioner/ Accused No.7
in Crl.O.P.(MD).No.16948 of 2023

Vs

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

... Respondent/ Complainant
in both petitions.

For Petitioner : M/s.Arunraj.K,
Advocate.

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

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



COMMON PRAYER :-

For Anticipatory Bail in Crime no.286 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/ Accused 12 TO 14 & 7, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC r/w 21(1) of Mines and Minerals (Development and Regulation), Act, 1957, in Crime No.286 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 07.09.2023, the petitioners along with other accused persons are involved in illegal transportation of 2 units of river sand beyond the permitted limit. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. However, to show their bona fide, the petitioners have come forward to deposit reasonable amount.

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

Crl.O.P.(MD).No.16918 of 2023 and the petitioner in Crl.O.P.(MD).No.16948 of 2023 is

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



having four previous cases, which are not similar in nature.

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5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to deposit a reasonable amount, this Court is inclined to grant anticipatory bail to the petitioners on conditions.

6. Accordingly, both Criminal Original Petitions are allowed on condition that the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten 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, and further a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the crime No.286 of 2023 before the concerned trial Court, without prejudice to their 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 their 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 petitions for anticipatory bail stands dismissed.

sd/-
20/09/2023

/ TRUE COPY /

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

TM

TO

1. The Judicial Magistrate No.III, Trichy.
2. Do-Through 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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+2 CC to M/s.K.ARUNRAJ, Advocate (SR-13934[I],13933 dated 21/09/2023)

ORDER

IN

CRL OP(MD). Nos.16918 & 16948 of 2023

Date :20/09/2023

SSA/MGA/06.10.2023/5P/9C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023