



CRL OP(MD). No.16984 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16984 of 2023

Neelakandan

... Petitioner / Accused No.2

Vs

State rep. by
The Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No.1083 of 2023.

... Respondent / Complainant

For Petitioner : M/s.V.Anand, 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.1083 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 and 430 of IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.1083 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 25.08.2020, when the respondents were conducted inspection, the petitioner's tractor was intercepted and in search, it was found loaded with sand taken from the pond, illegally. A case was registered against the land owner and the vehicle owner. The vehicle was seized and the present case was registered.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he 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 petitioner has come forward to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only).

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has transported pond sand without permission. He further submitted that the petitioner is not having any previous cases.

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5. Considering the nature of the mineral involved, and his willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) this Court is inclined to grant anticipatory bail to the petitioner.

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

(i) the petitioner 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 Kalaingar Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court.

ii) further, the petitioner shall deposit a sum of Rs. 5,000/- (Rupees Five Thousand only) to the credit of Crime No.1083 of 2020 before the learned (*)Judicial Magistrate, Peravurani, Thanjavur District.

7. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned (*)Judicial Magistrate, Peravurani,

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Thanjavur District, on condition that the petitioner 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 petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner 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 stands dismissed.

sd/-
21/09/2023

(*)AMENDED AS PER ORDER OF THIS COURT DATED 28.11.2023 IN CRL MP (MD)NO.16750 OF 2023 IN CRL OP(MD) NO.16984 OF 2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn
TO

TO BE SUBSTITUTED WITH THE ORDER DATED 21/09/2023 ALREADY DESPATCHED

1. The Judicial Magistrate, Peravurani, Thanjavur District

2.The Judicial Magistrate, Pattukottai, Thanjavur District.



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3. Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

4. The Inspector of Police, Peravurani Police Station,
Thanjavur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To

1 The Registrar Judicial,
Madurai Bench of Madras High Court, Madurai.

2. The Officer Incharge
Kalaingar Centenary Library, Madurai.

+1 CC to M/s.A.VADIVEL, Advocate (SR-17048[I] dated 29/11/2023)

ORDER
IN
CRL OP(MD) No.16984 of 2023
Date :21/09/2023

SSA/DD/09.10.2023/5P/8C

PKP/DD/SAR- /14.12.2023/ 5P/ 9C

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