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CRL OP(MD). No.19961 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19961 of 2023

1. Mukesh,

2. Anand @ Ananthababu,

... Petitioners/ Accused 1 & 2

Vs

The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(Crime No.378/2023).

... Respondent/Complainant

For Petitioners : Mr.A.ARUN PRASAD,
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.378/2023 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 Sections 379 IPC r/w. Section 21(4) of Mines and Mineral (Development and Regulation) Act, 1957, in Crime No.378 of 2023 on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners have illegally transported $\frac{1}{4}$ unit of river sand by using Bullock Cart. Therefore, the present case came to be registered.

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 pay a sum of Rs.3,250/- to the credit of Crime No.378 of 2023 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported $\frac{1}{4}$ unit of river sand illegally by using Bullock Cart. He further submitted that there is no previous case pending against the petitioners.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.3,250/- (Rupees Three Thousand Two Hundred and Fifty only) to the credit of Crime Number, 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.3,250/- (Rupees Three Thousand Two Hundred and Fifty only) to the credit of Cr.No.378 of 2023 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.



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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, Thanjavur, 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 on further conditions that 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 stands dismissed.

sd/-
07/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.



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3 THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.19961 of 2023
Date :07/11/2023

SA/DD/SAR. /16.11.2023/4P/5C

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