



CRL OP(MD) No.20022 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.11.2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.20022 of 2023

1.Praveen

2.Moulishwaran @ Chandra Moulishwaran ... Petitioners/ Accused Nos.2 and 3

Vs.

State Rep. by

The Inspector of Police,

Vathalai Police Station,

Trichy District.

(Crime No.170 of 2023).

... Respondent/ Complainant

For petitioners : Mr.M.Boopathiandy, 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 Crime No.170 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/2 and 3 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) of Mines and Minerals (Development & Regulation) Act, 1957, in

Crime No.170 of 2023 on the file of the respondent Police, seeks anticipatory bail.

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



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2. The case of the prosecution is that the petitioners have illegally transported $\frac{1}{2}$ unit of river sand, by using two wheeler bearing Registration No.TN 48 AH 4972 at Sirukambur, Peruvala Vaikal, Vananpadithurai. On seeing the respondent Police, the petitioners ran away from the scene of occurrence. At that time, the defacto complainant and others roundup the first accused. Thereby, the defacto complainant seized the above said two wheeler and sand loaded bags worth about $\frac{1}{2}$ unit of sand. 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 pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Cr.No.170 of 2023 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that the petitioners have transported $\frac{1}{2}$ unit of river sand illegally by using a two wheeler. He further submitted that the second petitioner is having one previous case, not in similar nature. The first petitioner is having no previous case at



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his credit.

5. Considering the nature of the mineral involved, the antecedents of the first petitioner and his willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the first petitioner. So far the second petitioner is concerned, this Criminal Original Petition is dismissed, since he is involved in previous case, which is not in similar nature.

6. Accordingly, this Criminal Original Petition is partly allowed on condition that the first petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.170 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Musiri, Trichy District, on condition that the first 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 first petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders. The first



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petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The first 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/-
08/11/2023

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

INDU

TO

- 1 THE JUDICIAL MAGISTRATE,
MUSIRI, TRICHY DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
VATHALAI POLICE STATION,
TRICHY DISTRICT.



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

+1 CC to M/s.M.BOOPHATHI PANDIAN, Advocate (SR-16069[I] dated 08/11/2023

ORDER
IN
CRL OP(MD) No.20022 of 2023
Date :08/11/2023

PKP/VR/SAR- /17.11.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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