



CRL OP(MD). No.5355 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Rajasekar

2. Balakrishnan

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Rajathani Police Station,
Theni District.
(Crime No.73/2024.)

... Respondent/Complainant

For Petitioners : M/s.Sivaprakash.S, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.73 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police in connection with the case in Crime No.73 of 2024 for the offence under Sections 379



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of IPC r/w. 21(4) of Mines and Minerals (Development and Regulation) Act, 1957,

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has filed this petition, seeking anticipatory bail.

2. Today, when this petition is taken up for consideration, it is reported that the first petitioner has been arrested by the respondent Police on 06.04.2024.

3. The case of the prosecution is that the petitioners have illegally transported 3 units of Odai Sand. Hence, the complaint.

4. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

5. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of anticipatory bail on the ground that the investigation is yet to be completed. However, he fairly submits that the second petitioner is having one previous case.

6. In view of the submission made by the learned Additional Public Prosecutor, this Criminal Original Petition is dismissed as infructuous against the first petitioner, since he has already been arrested.

7. Considering the nature of mineral involved, this Court is inclined to grant anticipatory bail to the second petitioner.

8. Accordingly, this Criminal Original Petition is allowed and the second



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petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned learned Judicial Magistrate, on condition that

(i) the second petitioner executes a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate, Andipatti, Theni District.

(ii) the second petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the Panchayat Union Middle School, T.Valayankulam Village, Kallikudi Block and Taluk, Madurai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties; Thereafter, the Headmaster of the School shall spend the amount for the welfare of the students and file necessary proof before the learned Magistrate;

(iii) The second petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

(iv) The second petitioner shall appear before the respondent police daily at 10.30 am for a period of two weeks and thereafter shall appear as and when required by the respondent police. He has to co-operate for the investigation.



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(v) The second petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(vi) On violation of any of the above conditions by the second petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
08/04/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

To

1.The Judicial Magistrate,
Andipatti, Theni District.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Rajathani Police Station,
Theni District.

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



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The Headmaster,
Panchayat Union Middle School,
T.Valayankulam Village,
Killikudi Block and Taluk,
Madurai District.

+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-4260[I] dated 08/04/2024)

ORDER

IN

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Date :08/04/2024

ED/ GS /SAR- (24/04/2024) 5P / 7 C

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