



CRL OP(MD). No.5740 of 2024

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

Date : 25/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5740 of 2024

Sivalingam

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Karaiyur Police Station,
Pudukkottai District.
(In Crime No.40 of 2024).

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar, Advocate

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.40 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.40 of 2024, for the offence punishable



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under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development & Regulation Act), 1957, has filed this petition seeking anticipatory bail.

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2. The case of the prosecution is that the petitioner has illegally transported 3/4 unit of river sand in a tipper lorry. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, to show his bonafide he has also donated books and shelves to a School, worth about Rs.25,000/-. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and the attitude of the petitioner in doing some service to the Schools, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of his 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 Judicial Magistrate on condition that

(i) the petitioner shall execute a bond for a sum of Rs.25,000/-



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(Rupees Twenty Five Thousand), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ponnamaravathi, Pudukottai District.

(ii) The 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 and also, the petitioner shall file an affidavit before the concerned Judicial Magistrate at the time of furnishing the sureties that he will not indulge in any offence;

(iii) The petitioner shall appear before the respondent police as and when required for interrogation. The petitioner has to co-operate for the investigation.

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

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

7. It is needless to say that any tool or instrument or vehicle used for illegal quarrying / transportation of sand is liable to be seized under Section 21(4) of



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the Mines and Minerals(Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated.

sd/-
25/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

To

- 1.The Judicial Magistrate,
Ponnamaravathi, Pudukottai District.
- 2.Do through the Chief Judicial Magistrate,
Pudukottai District.
- 3.The Inspector of Police,
Karaiyur Police Station,
Pudukottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.5740 of 2024
Date :25/04/2024



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ED/JGB /SAR- (06/05/2024) 5P / 5C

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