



CRL OP(MD). No.6267 of 2024

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

Date : 24/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.6267 of 2024

1. Sarathkumar
2. Rajendraprasath
3. Naganathan

... Petitioners/ Accused Rank not known

Vs

The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(CrimeNo.112/2024.)

... Respondent/Complainant

For Petitioners : Mr.T.Veerakumar, 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. 112/2024 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 a case in Crime No.112 of 2024, for the offence punishable



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under Section 379 IPC r/w 21(4) of Mines and Minerals (Development & Regulation Act), 1957, have filed this petition seeking anticipatory bail.

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2. The case of the prosecution is that the accused persons have illegally transported 3 units of river sand in their vehicles. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the name of the third petitioner does not find place in the FIR. The alleged vehicles had been seized by the respondent Police. The petitioners 1 and 2 are not having any previous case pending against them.

5. Since there is no apprehension of arrest as against the third petitioner, this petition is dismissed in respect of the third petitioner.

6. Considering the facts and circumstances of the case the quantity of the mineral and also considering the antecedents of the petitioners 1 & 2, this Court is inclined to grant anticipatory bail to the petitioners 1 & 2.

7. Accordingly, this Criminal Original Petition is partly allowed and the petitioners 1 & 2 are ordered to be released on bail in the event of their arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of



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this order, before the concerned Judicial Magistrate on condition that

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(i) the petitioners 1 & 2 shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Devakottai, Sivagangai District.

(ii) The petitioners 1 & 2 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;

(iii) The petitioners 1 & 2 shall appear before the respondent police as and when required for interrogation. They have to co-operate for the investigation.

(iv) The petitioners 1 & 2 shall not misuse the liberty granted to them 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 petitioners 1 & 2, the respondent police shall move an application for cancellation of the anticipatory bail.

8. 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.

9. This Criminal Original Petition is dismissed in respect of the third petitioner alone.

sd/-
24/04/2024

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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,
Devakottai, Sivagangai District.

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

3.The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.

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

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-4787[I] dated 24/04/2024)



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ORDER
IN
CRL OP(MD) No.6267 of 2024
Date :24/04/2024

ED/ JGB /SAR- (02/05/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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