



CRL OP(MD). No.6292 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.6292 of 2024

M.Balamanikandan

... Petitioner/ Accused 1

Vs

The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
(In Crime No.83/2024).

... Respondent/ Complainant

For Petitioner : Mr.P.GUNASEKARAN, Advocate

For Respondent : Mr.P.KOTTAICHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.83/2024 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.83 of 2024, for the offence punishable under Section 379 IPC r/w Section 21(4) of Mines and Minerals (Development & Regulation



CRL OP(MD). No.6292 of 2024

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 two units of river sand in a lorry. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Though the petitioner is the owner of the lorry, the alleged vehicle was at the workshop at the time of occurrence. The respondent Police has also not seized the vehicle. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that one previous case is pending against the petitioner, which was registered for transportation of savudu sand.

5. Considering the facts and circumstances of the case, the fact that though the respondent Police witnessed the occurrence, failed to seize the vehicle so far, 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/-



CRL OP(MD). No.6292 of 2024

WEB COPY

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

(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 and he will not allow his vehicle for illegal transportation of minerals at any point of time;

(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.



CRL OP(MD). No.6292 of 2024

WEB COPY

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 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/-

24/04/2024

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

PNM

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-4857[I] dated 25/04/2024)



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CRL OP(MD). No.6292 of 2024

ORDER
IN
CRL OP(MD) No.6292 of 2024
Date :24/04/2024

SA/VR/SAR. /30.04.2024/5P/6C

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