



CRL OP(MD). No.6428 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. K.Mani

2. K.Sethumuthu

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
Dhalavaipuram Police Station,
Virudhunagar District.
(Crime No.95/2024)..

... Respondent/ Complainant

For Petitioners : Mr.S.Vignesh Shanmugam,Advocate
For M//s.Ajmal Associates,

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.95/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent



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Police, in connection with a case in Crime No.95 of 2024, for the offence punishable under Section 379 IPC and 21(4) of Mines & Minerals (Development and Regulation) Act, 1957, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 24 units of river sand in three vehicles. Hence, the case.

3. 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. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the alleged vehicles have been seized by the respondent Police. However, he fairly submitted that there is no previous case pending against the petitioners.

5. Considering the facts and circumstances of the case and also considering the antecedents of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.



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6. Accordingly, this Criminal Original Petition is ordered and the petitioners 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 this order, before the concerned Judicial Magistrate on condition that

(i) the petitioners 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, Rajapalayam**.

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

(iv) The petitioners 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, the respondent police shall move an application for cancellation of the anticipatory bail.



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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/-

26/04/2024

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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,
RAJAPALAYAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
DHALAVAIPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.6428 of 2024
Date :26/04/2024

SS/JGB/SAR- /02/05/2024/5P/5C

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