



CRL OP(MD). No.8584 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. M.Mahalingam

2. M.Karthik

... Petitioners/ Accused No.1&2

Vs

The Inspector of Police,
Devakottai Taluk Police Station
Sivagangai District
Cr.No.80 of 2024.

... Respondent/Complainant

For Petitioners : Mr.K.Dinesh,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PRAYER :- For Anticipatory Bail in Crime No.80 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.80 of 2024 for the offence under Section 379



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I.P.C and Section 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, have filed this petition, seeking anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported 3 units of river sand by using tipper lorry.

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. He further submits that the petitioners, in order to show their bona fide, are also prepared to deposit a sum of Rs.15,000/- each to the credit of the Chief Educational Officer, Sivagangai District, for the purpose of providing drinking water facilities to the students in any one of the Government school in Sivagangai District.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submits that the investigation is yet to be completed.

5. Considering the nature of minerals involved and also considering the nature of offence and the petitioner's willingness to deposit money this Court is inclined to grant anticipatory bail to the petitioner.



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

(i) the petitioners 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;

(ii) the petitioners shall pay a sum of of Rs.15,000/- (Rupees Fifteen thousand) each to the credit of the Chief Educational Officer, Sivagangai District. The Chief Educational Officer, Sivagangai District, shall utilise the same to provide drinking water facility to the students in any one of the Government school in Sivagangai District;

(iii) 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;

(iv) The petitioners 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 petitioners 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 petitioners, 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 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/-
12/06/2024

/ TRUE COPY /

/06/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS

TO

1. THE JUDICIAL MAGISTRATE,DEVAKOTTAI;



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DEVAKKOTTAI.

3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION
SIVAGANGAI DISTRICT

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

COPY TO

THE CHIEF EDUCATIONAL OFFICER,
SIVAGANGAI DISTRICT.

+1 CC to M/s.K.DINESH, Advocate (SR-6427[I] dated 13/06/2024)

ORDER
IN

CRL OP(MD) No.8584 of 2024

Date :12/06/2024

RK/JGB (24/06/2024) 5P / 7C

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