



CRL OP(MD). No.8690 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8690 of 2024

1. Periyasami,

2. Rajendran,

... Petitioners/ Accused 2 & 3

Vs

The Inspector of Police,
Musiri Police Station,
Trichy District.
Cr.No.152 of 2024.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

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

PRAYER :- For anticipatory bail in crime no.152 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.152 of 2024 for the offence under Section 379 of IPC r/w. Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957, has filed this petition, seeking anticipatory bail.

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2. The case of the prosecution is that the petitioners have attempted to take red sand by using vehicle.

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.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submits that the investigation is yet to be completed. However, he fairly submits that the petitioners are not having any previous case.

5. Considering the nature of minerals involved and also considering the fact that the petitioners are not having any previous case, this Court is inclined to grant anticipatory bail to the petitioners.

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, Musiri;

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card



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or any other identity card issued by the Government in proof of their residence address;

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(iii) 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. 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.

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/-
13/06/2024

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



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TO

1 THE JUDICIAL MAGISTRATE,
MUSIRI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION, TRICHY DISTRICT.

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

+1 CC to M/s.K.ARUN RAJ, Advocate (SR-6470[I] dated 13/06/2024)

ORDER IN

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Date :13/06/2024

SA/VR/SAR. /25.06.2024/4P/6C

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