



CRL OP(MD). No.8645 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.8645 of 2024

N.Apiraj,

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District
Crime No.310/2024.

... Respondent/ Complainant

For Petitioner : M/s.Janath Ahmed @ B.Janarth Kumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.310/2024 on the file the respondent police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent police in connection with the case in Crime No.310 of 2024 for the offence under Section 379 of IPC and Section 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, has filed this petition, seeking anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.8645 of 2024

2. The case of the prosecution is that the petitioner has illegally transported 4 bags of river sand by using two wheeler.

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.

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 petitioner is not having any previous case.

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

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

(i) the petitioner executes a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each, for a like sum to the satisfaction of the learned Judicial Magistrate, Papanasam;

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



CRL OP(MD). No.8645 of 2024

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

(iii) The petitioner 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.

(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.

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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Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

LS



CRL OP(MD). No.8645 of 2024

TO

1 THE JUDICIAL MAGISTRATE,PAPANASAM.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM

3 THE INSPECTOR OF POLICE

KABISTHALAM POLICE STATION,THANJAVUR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.JANATH AHMED, Advocate (SR-6536[I] dated 14/06/2024)

ORDER

IN

CRL OP(MD) No.8645 of 2024

Date :13/06/2024

PKP/VR/SAR /24.06.2024/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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