



CRL OP(MD). No.8743 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.8743 of 2024

J.Karthi,

... Petitioner/ Accused No.4

Vs

The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District
Crime No.168/2024.

... Respondent/Complainant

For Petitioner : Mr.G.Sarath Kumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.168/2024 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 Crime No.168 of 2024 for the offence under Section 379 of IPC and



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Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, has
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filed this petition.

2.The case of the prosecution is that the petitioner has illegally transported 6 cement bags of river sand in a two wheeler bearing Reg.No.TN-49-AC-1867.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent police raised serious objections that the petitioner has illegally transported one unit of river sand. However, he fairly conceded that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of mineral involved, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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 learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

i) 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;

ii) The petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation. He has to co-operate for the investigation.

iii) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

iv) On violation of any of the above conditions by the petitioner, 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/-

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/06/2024

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT



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

ORDER
IN
CRL OP(MD) No.8743 of 2024
Date :14/06/2024

SS/VR/SAR- /25/06/2024/5P/5C

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