



CRL OP(MD).No.8741 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.8741 of 2024

1. Sudhakar
2. Ponnar

... Petitioners/ Accused 1 & 3

Versus

State Rep. by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
Cr.No.163 of 2024

... Respondent/Complainant

For Petitioners: Mr.P.Surliraja
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.163 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 a case in Crime No.163 of 2024, for the offence under Sections 379

IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act

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



CRL OP(MD).No.8741 of 2024

1957, have filed this petition seeking anticipatory bail.

WEB COPY

2. The case of the prosecution is that the petitioners have illegally transported 3/4 unit of river sand in a vehicle.

3. The learned Government Advocate (Crl. Side) opposes for grant of anticipatory bail on the ground that the first petitioner is having two previous cases. He further submits that the second petitioner is not having any previous case.

4. The learned counsel appearing for the petitioners submits that on his advice, the first petitioner has contributed a sum of Rs.20,000/- (Rupees twenty thousand only) to the credit of the Chief Educational Officer, Trichy, for the purpose of providing any amenities, like, drinking water facility, toilet facility or smart class room, to any one of the Government Schools in Trichy District.

5. Considering the nature of offence, the quantity of mineral and also considering the change in attitude, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is ordered 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 learned Judicial Magistrate on condition that

(i) the petitioners execute a bond for a sum of Rs.25,000/- (Rupees



CRL OP(MD).No.8741 of 2024

WEB COPY

Twenty Five Thousand)each, with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thottiyam, Trichy District.

(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 daily at 10.30 a.m. for a period of two weeks and thereafter, 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.

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



CRL OP(MD).No.8741 of 2024

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/-
20/06/2024

/ TRUE COPY /

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

OGY
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THOTTIYAM, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

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

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

+1 CC to M/s.P.SURLI RAJA, Advocate (SR-6735[I] dated 20/06/2024)



WEB COPY



CRL OP(MD).No.8741 of 2024

ORDER

IN

CRL OP(MD) No.8741 of 2024

Date :20/06/2024

SA/VR/SAR. /27.06.2024/5P/6C

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