



CRL OP(MD). No.8765 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

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M.Eswaran,

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.436/2023).

... Respondent/Complainant

For Petitioner : Mr.R.Sakthivel,
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.436/2023 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.436 of 2023 for the offence under Sections 379 IPC r/w



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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 along with other accused have illegally transported $\frac{1}{4}$ unit of river sand in a bullock cart.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person 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 has strongly objected for grant of anticipatory bail on the ground that the petitioner along with other accused have illegally transported $\frac{1}{4}$ 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, the quantity of the mineral and also considering the antecedent of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 Court No.2, Karur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with



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two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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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.

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



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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.

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

SJI
TO

1 THE JUDICIAL MAGISTRATE NO.2,
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
VANGAL POLICE STATION,
KARUR DISTRICT.

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



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ORDER

IN

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Date :14/06/2024

SA/JGB/SAR. /26.06.2024/5P/5C

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