



CRL OP(MD). No.9101 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2024

PRESENT

THE HON`BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.9101 of 2024

S.Suren

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District
(Crime No.266/2024.)

... Respondent/ Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.266/2024 on the file of the respondent police.



CRL OP(MD). No.9101 of 2024

ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.266 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported 25 bags of river sand in a two wheeler bearing Reg.No.TN 49 B 0319.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. Only for statistical purpose, the petitioner has been falsely implicated in this case.

4..The learned Additional Public Prosecutor appearing for the respondent submits that the investigation in this case is yet to be completed. He further submits that no previous case is pending as against the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that no previous case is pending as against the petitioner, 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



CRL OP(MD). No.9101 of 2024

order, before the Judicial Magistrate Court, Thiruvaiyaru, Thanjavur on condition that the petitioner shall execute 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 Court, Thiruvaiyaru, Thanjavur 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 until further orders.
- 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. The petitioner 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



CRL OP(MD). No.9101 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/-
21/06/2024

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/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

To

1.The Judicial Magistrate,
Thiruvaiyaru, Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-6808[I] dated 21/06/2024)

ORDER
IN
CRL OP(MD) No.9101 of 2024
Date :21/06/2024



CRL OP(MD). No.9101 of 2024

ED/JGB /SAR- (15/07/2024) 5P / 6C

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