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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7854 of 2021

Mahalingam

... Petitioner

Vs

State through its
Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.114 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Amalan.S.Mp.,
Advocate.

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

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

PRAYER :-

For anticipatory bail in crime no.114 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 IPC and Section 21(5) MMDR Act in Crime No.114 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 11.06.2021 at about 04.00 am., when the defacto complainant and other police party engaged in search of vehicle, they found a lorry bearing Registration No.TN 09 AB 3457 with three unit of M-sand, without any permission to transfer the same. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.



4.The learned Government Advocate(Crl.side) appearing for the respondent police strongly opposed this petition on the ground that investigation in this case is not completed.

5.Taking note of the fact that the sand alleged to have transported without any license is M-sand, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, 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 Special Court for Mines and Minerals, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall make a non-refundable deposit for a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9** (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Special Court for Mines and Minerals, Madurai;

[c]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[d]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[g]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
16/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SPECIAL JUDGE FOR MINES AND MINERALS,
MADURAI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO
THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7854 of 2021
Date :16/06/2021

KM:RSK:SAR2(22.06.2021) 3P 5C