



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

Date : 08/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.9019 of 2021

K.Ibrahim ... Petitioner/Accused No.2

Vs

The Inspector of Police,
Tallakulam Police Station,
Tallakulam, Madurai.
Crime No.701 of 2021. ... Respondent/Complainant

For Petitioner : Mr.C.M.Arumugam, 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.701 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(4) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.701 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 16.06.2021, when the defacto complainant was engaged in preventing offences relating to mines and minerals, he found a lorry bearing registration No.TN 59 CF 2365. When he stopped the vehicle and searched, he found the lorry contained gravel sand. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is the owner of the vehicle. It is also his submission that there is no mention about the quantity of the gravel sand. However, anticipatory bail petition filed before the Court below, it was mentioned that the quantity of the gravel sand is 3 units.



4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he conceded that there is no previous case pending against the petitioner.

5.Considering the facts of the case where it is alleged that the gravel sand was illegally transported and the fact that there is no specific mention about the quantity of the gravel sand and the fact that the vehicle and the sand was seized and also the fact that there is no previous case pending against the petitioner, 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 learned Special District Court to deal with the cases of offences in contravention of the provisions of the Mines and Minerals (D&R)Act, 1957, 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Savings Account No.496039124, IFSC Code: IDIB000H040), within a period of two weeks without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

[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.

WEB COPY

sd/-
08/07/2021

/ TRUE COPY /

/ /2021

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

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 DISTRICT JUDGE TO DEAL WITH THE CASES
OF OFFENCES IN CONTRAVENTION OF THE PROVISIONS
OF THE MINES AND MINERALS (D&R)ACT, 1957, MADURAI.
- 2 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
TALLAKULAM, MADURAI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI-625 023.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-21862[F] dated 09/07/2021)

ORDER
IN
CRL OP(MD) No.9019 of 2021
Date :08/07/2021

GNS
MS/VR/SAR-4/13.07.2021/3P.6C