



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.12278 of 2021

1.Eswaran @ Chinnaeswaran

2.A.Thangapandi

3.M.Ramar

4.Veeraselvan @ Veeraselvam

5.Karuppasamy

... Petitioners/
Accused No.1,2,3,4 & 5

Vs

State rep by
The Inspector of Police,
Peraiyur Police Station,
Madurai District
(Crime No. 266/2021).

... Respondent/Complainant

For Petitioners : Mr.S.Vikram

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

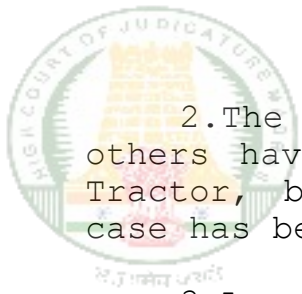
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.266 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.266 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the petitioners and others have illegally transported one unit of Odai sand in their Tractor, bearing registration No.TN-32-T-4358. Hence, the present case has been registered.

3.Learned Counsel for the petitioners submits that the petitioners are innocents and have not committed any offence as alleged by the prosecution. However, a false case has been foisted as against them and therefore, prays for grant of anticipatory bail.

4.Learned Government Advocate (Crl.side) appearing for the respondent police, on instructions, submits that the petitioners and others have involved in illegal transportation of odai sand. He further submits that apart from this case, the first accused is having six previous cases to his credit, of which, five cases are for similar offence. The second and fifth accused are having two previous cases to their credit, of which, one is for similar offence.

The details of cases pending against the accused are as follows:

First Accused-

i)Peraiyur Police Station, Cr.No.188 of 2021, u/s.379 IPC r/w 21(5), 4(1)(1A) of Mines and Minerals (Development & Regulation) Act.

ii)Peraiyur Police Station, Cr.No.649 of 2020, u/s.188, 270 IPC.

iii)Peraiyur Police Station, Cr.No.105 of 2020, u/s.379 IPC r/w 21(5), 4(1)(1A) of Mines and Minerals (Development & Regulation) Act.

iv)Peraiyur Police Station, Cr.No.382 of 2019, u/s.379 IPC r/w 21(5), 4(1)(1A) of Mines and Minerals (Development & Regulation) Act.

v)Peraiyur Police Station, Cr.No.133 of 2019, u/s.379 IPC r/w 21(5), 4(1)(1A) of Mines and Minerals (Development & Regulation) Act.

vi)Peraiyur Police Station, Cr.No.174 of 2014, u/s.379 IPC r/w 21(5), 4(1)(1A) of Mines and Minerals (Development & Regulation) Act.

Second Accused-

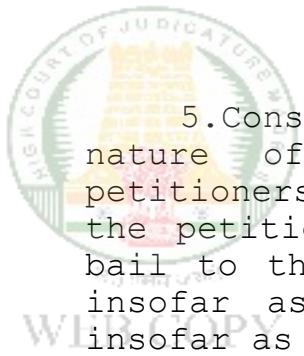
i)Peraiyur Police Station, Cr.No.237 of 2014, u/s.379 IPC r/w 21(5), 4(1)(1A) of Mines and Minerals (Development & Regulation) Act.

ii)Peraiyur Police Station, Cr.No.99 of 2014, u/s.107 Cr.P.C

Fifth Accused-

i)Peraiyur Police Station, Cr.No.421 of 2020, u/s.188, 270 IPC.

ii)Peraiyur Police Station, Cr.No.206 of 2019, u/s.379 IPC r/w 21(5), 4(1)(1A) of Mines and Minerals (Development & Regulation) Act.



5.Considering the facts and circumstances of the case, the nature of mineral transported and the antecedents of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 and is not inclined to grant anticipatory bail to the first petitioner. Therefore, this petition is allowed insofar as the petitioners 2 to 5 are concerned and dismissed insofar as the first petitioner is concerned.

6.The petitioners 2 to 5 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 Judge, Special Court for Mines & Minerals, Madurai, on condition that the petitioners 2 to 5 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

[a]the petitioners 2 to 5 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners 2 to 5 shall report before the respondent police daily at 10.30 am., until further orders.

[c]the petitioners 2 to 5 shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 2 to 5 shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 have been 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]**.

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

sd/-
26/08/2021

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



gk

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 Judge,
District Special Court (Mines & Minerals),
Madurai.
- 2.The Inspector of Police,
Peraiyur Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP (MD) No.12278 of 2021
Date : 26.08.2021

TR/SKN/SAR-I (07.09.2021) 4P 4C