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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13706 of 2021

1. Alagarsamy
2. Pandi
3. Munishkumar

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

Vs

State rep.by
The Inspector of Police,
Peariyur Police Station,
Madurai District.
(Crime No.117 of 2021).

... Respondent/Complainant

For petitioners : M/s.Palanisamy.T., Advocate.

For Respondent : M/s.P.Kottai Chamy,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.117 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w Section 4(1)(1A) and 21(5) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.117 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported six units of Karambai soil by using two lorries bearing Registration Nos.TN-49-P-2218 and TN-50-H-4260. Therefore, the present case came to be registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. However, to show their bona fide, the petitioners have come forward to pay a sum of Rs.5,000/- each to the credit of Chief Minister's Public Relief Fund.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported six units of Karambai soil illegally. He further submitted that two previous cases are pending against the petitioners herein.

5.Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.5,000/- each to the credit of Chief Minister's Public Relief Fund, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed on condition that the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Special Court (Mines and Minerals), Madurai, Madurai District.

7.On production of such receipt/acknowledgment, the petitioners 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 Special Court (Mines and Minerals), Madurai, on condition that the petitioners 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 Magistrate concerned and on further conditions that:

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

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

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

[d]the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners 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.

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Sd/-
20/09/2021

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/ /2021

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

ssb

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 Court (Mines and Minerals),
Madurai, Madurai District.
2. The Inspector of Police,
Peariyur 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.
IOB, Secretariat Branch, Chennai-9
(Account No.11720 10000 00070,
IFSC Code: IOBA0001172)

ORDER
IN
CRL OP(MD) No.13706 of 2021
Date :20/09/2021

SP/JC/SAR II/27/09/2021/3P/5C