



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD.No.13072 of 2021

Alagar

...Petitioner/Sole Accused

Vs

State Rep. by its
The Inspector of Police,
Elumalai Police Station,
Peraiyur Taluk,
Madurai District.
(Crime No.91/2021)

...Respondent/Complainant

For Petitioner : Mr.K.Marimuthu,
Advocate.

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.91 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 offence punishable under Section 379 of IPC r/w Section 21(5) of Mines and Minerals (Development and Regulation Act), 1957 in Crime No.91 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported 30 plates of odai sand by using Bullock cart. Hence, the present case has been registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner had transported 30 plates of odai sand illegally. He further submitted that there is no previous case pending against the petitioner.

5.Considering the nature of mineral involved and the antecedents of 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 their 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

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

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

[d]the petitioner 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 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]**.

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

sd/-
07/09/2021

/ TRUE COPY /

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

kmm



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 for Mines & Minerals, Madurai.
2. The Inspector of Police,
Elumalai Police Station,
Peraiyur Taluk,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.13072 of 2021
Date : 0709/2021

TR/JC/SAR-II(01.10.2021) 3P 4C