



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

Date : 14.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI  
CRL OP(MD). No.13490 of 2021

WEB COPY

1.Murugapandi  
2.Balamurugan  
3.Sundar

.. Petitioner/Accused No.1 to 3

Vs

State rep. by  
The Inspector of Police,  
Palamedu Police Station,  
Madurai District.

... Respondent/Complainant

For petitioners : Mr.V.S.Kishok Kumar  
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.240 of 2021 on the file of the  
Respondent Police

ORDER : The Court made the following order :-

The petitioners/accused No.1 & 2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under 379 IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.240 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported two units of brick sand (Karambaiman) by using Tipper Lorry bearing registration No.TN-19 F 7095 and JCB bearing registration No.TN-59 BM 3919. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported



registration No.TN-19 F 7095 and JCB bearing registration No.TN-59 BM 3919. He further submitted that there is no previous case pending against the petitioners herein.

5.Considering the nature of the mineral involved and the antecedents of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 Sessions Judge, Special Court to deal with the cases of Offences in Contravention of the provisions of Mines and Minerals (D&R) Act, 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 Judge 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 Judge/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 Judge/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/-  
14/09/2021

/ TRUE COPY /

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

TM



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 Sessions Judge, Special Court to deal with the cases of Offences in Contravention of the provisions of Mines and Minerals (D&R) Act, Madurai.
2. The Inspector of Police,  
Palamedu Police Station,  
Madurai District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.S.KISHOK KUMAR, Advocate ( SR-6227[I] dated 15/09/2021 )

ORDER IN  
CRL OP(MD) No.13490 of 2021  
Date : 14.09.2021

TR/SKN/SAR-I(20.09.2021) 3P 5C