



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13658 of 2021

1.Govindaraj

2.Renukaeshwari, (*)W/o.Govindaraj

... petitioners/Accused Rank Not Known

Vs

State rep by

The Inspector of Police,

Palamedu Police Station,

Madurai District.

(Cr.No.241 of 2021). ... Respondent/Complainant

For petitioners : Mr.R.Shankar Ganesh
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.241 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 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.241 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported four units of Karambai Soil by using vehicle. 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.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported four units of Karambai soil illegally. He further submitted that no previous case is pending against the petitioners herein.

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

6.Accordingly, this criminal original petition is allowed on condition that 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 Special Court for the exclusive trial of cases under mines and Minerals (Development & Regulation) Act, 1957, Madurai District**, 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.

sd/-

20/09/2021

(*)Amended as per order of this Court dated 04.10.2021 in CRL MP(MD).7894 of 2021 in CRL OP(MD).13658 of 2021

(*)The Time is extended by a period of ten days from the date of receipt of a copy of this order, for the petitioners to comply with the conditions imposed in CRL OP(MD).13658 of 2021, dated 20.09.2021 as per order of this Court dated 04.10.2021 in CRL MP(MD).7894 of 2021 in CRL OP(MD).13658 of 2021

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/ /2021

Sub-Assistant Registrar (C.S.)
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

(*) To be substituted with the order dated 20.09.2021 already despatched

1. **(*)The Judge,**

Special Court for the exclusive trial of cases under mines and Minerals (Development & Regulation) Act, 1957, Madurai District.

2.The Judicial Magistrate, Vadipatti, Madurai District.

3.Do Through The Chief Judicial Magistrate, Madurai.

4.The Inspector of Police,Palamedu Police Station, Madurai District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.R.SHANKAR GANESH, Advocate SR.No. 6958

ORDER IN
CRL OP(MD) No.13658 of 2021
Date : 20/09/2021

TR/SKN/SAR-II(27.09.2021) 3P 5C

<https://hcmvcesys.courts.gov.in/cases/web/> **TR/PN/SAR-III(07.10.2021) 3P 7C**