



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28.09.2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP(MD) . No.14353 of 2021**

Sagayaraj

... Petitioner/Accused No.2

Vs

State rep.by  
The Inspector of Police,  
Alanganallur Police Station,  
Madurai District.  
(Crime No.93/2021)

... Respondent/Complainant

For Petitioner : M/s.A.Shajahan, Advocate.

For Respondent : M/s.P.Kottaichamy,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.93 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.93 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 6 units of gravel sand by using Tipper Lorry. Therefore, the present case came to be registered.

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

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that there is no previous case pending against the petitioner herein.



5. Considering the nature of mineral involved, the antecedent 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Judge in the cadre District Judge at Madurai to deal with the case of offence in contravention of the provision of the Mines and Minerals (Development and Regulation) Act, 1957, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge 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 learned Special Judge 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 Special Judge/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 Special 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/-  
28/09/2021

/ TRUE COPY /

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



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 Judge for Mines and Minerals cases,  
Madurai.
  - 2.-DO- Thro The Chief Judicial Magistrate,  
Madurai.
  - 3.The Inspector of Police,  
Alanganallur Police Station,  
Madurai District.
  - 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.SHAJAHAN A Advocate SR.No.6676

ORDER  
IN  
CRL OP(MD) No.14353 of 2021  
Date :28/09/2021

SP/SKN/SAR IV/07/10/2021/3P/6C