



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.14283 of 2021

V.Ragavan ... Petitioner/Sole Accused

Vs

The state represented by
The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai.
Crime no.135 of 2021 ... Respondent

For Petitioner : Mr.P.Bhaskar,
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.135 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, 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.135 of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that the petitioner has
illegally transported $\frac{3}{4}$ unit of river sand by using Tractor and
Trailer bearing Registration No.TN-55-R-0499. Therefore, the present
case came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is innocent and he has been falsely implicated in this
case. However, to show his bona fide, the petitioner has come
forward to pay a sum of Rs.12,500/- to the credit of Chief
Minister's Public Relief Fund.

4.The learned Government Advocate (Crl. Side) for the
respondent police submitted that the petitioner has transported $\frac{3}{4}$
unit of river sand illegally by using Tractor and Trailer. He
further submitted that there is no previous case pending against the
petitioner herein.



5.Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.12,500/- to the credit of Chief Minister's Public Relief Fund, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.12,500/- (Rupees Twelve Thousand and Five Hundred only) 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 his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Alangudi.

7.On production of such receipt/acknowledgment, 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 learned Judicial Magistrate, Alangudi, 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 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.

8.It is needless to say that any tool or instrument or vehicle used for illegal quarrying/ transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals(Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21 (4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated under Section 21(4-A) of the Act.

therefore,
etc., bat

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/ /2021

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