



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

Date : 20.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15768 of 2021

WEB COPY

Saravanan

... Petitioner / Accused No.2

Vs

The State Rep. by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No. 228/2021)

... Respondent / Complainant

For Petitioner : Mr.S.Balaji
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.228 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 Sections 379 IPC r/w 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.228 of 2021, seeks anticipatory bail.

2.The prosecution case is that the petitioner and other accused had illegally transported one unit of gravel and 1/2 unit of odai sand. Hence, the complaint.

3.Learned Counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence as alleged by the prosecution, but, a false case has been foisted as against him.

4.Learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner and other accused transported one unit of gravel and 1/2 unit of odai sand and hence, the case was registered. He further submitted that the petitioner has no previous case to his credit.



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

6.Accordingly, this petition is allowed and 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 Judge, Special Court for Mines and Minerals (Development and Regulation) Act Cases, 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 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the 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 the 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner has been 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/-
20/10/2021

/ TRUE COPY /

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

gk

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 JUDGE,
SPECIAL COURT FOR MINES AND MINERALS
(DEVELOPMENT AND REGULATION) ACT CASES,
MADURAI.

2. THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP (MD) No.15768 of 2021
Date :20/10/2021

SB/SKN/SAR-I/26.10.2021/3P/4C