



WEB COPY

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

Date : 10/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.18964 of 2021

1. P.Malar,

2. Anbuselvan,

3. P.Periyasamy,

... Petitioners/Accused
(Ranks not known)

Vs

State Rep by
The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
(Cr.No. 182/2021).

... Respondent/Complainant

For Petitioners: Mr.P.Senguttuarasan,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

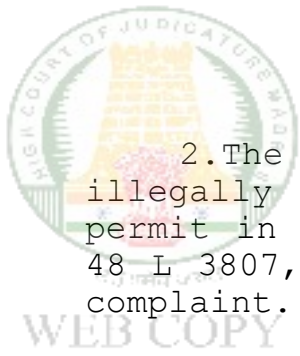
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 182 of 2021 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Section 379
IPC and 21(4) of Mines and Minerals (Development & Regulations) Act,
1957, in Crime No.182 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the accused persons had illegally transported 15 units of gravel sand without any valid permit in the vehicles bearing registration numbers TN 16 1393, TN 48 L 3807, TN 34 A 4195, TN 57 AY 4398, TN 11 K 6523. Hence, the complaint.

3.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first petitioner is having three previous cases and second petitioner is not having any previous case at his credit and the third petitioner is having three previous cases of similar nature and that the investigation is not yet completed.

4.The learned counsel for the petitioners would submit that even though the first petitioner is having three previous cases, they are not similar in nature and that the petitioners are innocent, that the petitioners are the owners of the alleged vehicle.

5.Considering the facts and circumstances of this case, that the first petitioner is not having previous cases for similar offence and the second petitioner also not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the first and second petitioner alone with certain conditions.

6.Accordingly, the first & second petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of the District Mineral Foundation Trust, Madurai, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Special District Judge, Special Court for Mines and Minerals Act, Madurai.

7.On production of such receipt/acknowledgment, the first & second petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Special District Judge, Special Court for Mines and Minerals Act, Madurai and on their executing 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 the first & second petitioners shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The first & second petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The first & second petitioners shall appear before the concerned Judge within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.



9. Considering the bad antecedents of the third petitioner, this Court is not inclined to grant anticipatory bail to the third petitioner. Accordingly, this Criminal Original Petition is dismissed, with respect to third petitioner.

sd/-
10/12/2021

/ TRUE COPY /

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

PNM

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 District Judge,
Special Court for Mines and Minerals Act, Madurai.

2. The Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.

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

Copy to
The Officer Incharge,
The District Mineral Foundation Trust,
Madurai.

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-9188[I] dated 14/12/2021)

ORDER IN
CRL OP(MD) No.18964 of 2021
Date : 10/12/2021

TR/JM/SAR-II(15.12.2021) 3P 6C