



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.12.2021

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19370 of 2021

WEB COPY

1.Uthanduraj
2.Mariappan

... Petitioners/Accused Nos.1 & 2

Vs.

State Rep. by
The Inspector of Police,
Kovilpatti West Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.977 of 2021).

... Respondent/Complainant

For petitioners : Mr.J.Sulthan Basha, Advocate for
M/S.AJMAL ASSOCIATES.

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

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

PRAYER :-

For Anticipatory Bail Crime No.977 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, apprehending arrest at the
hands of the respondent police for the alleged offence punishable
under Sections 379 I.P.C and 21(A) of Mines and Minerals
(Development & Regulation) Act, 1957, in Crime No.977 of 2021 on the
file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have
illegally transported $\frac{1}{2}$ unit of red sand by using Tractor and
Trailer. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the
petitioners are innocent and they have been falsely implicated in
this case. However, to show their *bona fide*, the petitioners have
come forward to pay a sum of Rs.10,000/- (Rupees Ten Thousand only)
to the credit of Cr.No.977 of 2021 before the trial Court concerned.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported $\frac{1}{2}$ unit of red sand illegally by using Tractor and Trailer. He further submitted that there is one previous case pending against the first petitioner herein and no previous case pending against the second petitioner.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.977 of 2021 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Kovilpatti, 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 the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

07/12/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
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 JUDICIAL MAGISTRATE NO.II,
KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.8982

ORDER

IN

CRL OP(MD) No.19370 of 2021

Date :07/12/2021

TM

SS/JC/SAR-IV/13.12.2021 : 3P/6C