



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 17/12/2021

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PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

CRL OP(MD). No.19959 of 2021

Jeyapandi,

... Petitioner/Accused No.2

Vs

State Rep by,  
The Inspector of Police,  
Checkkanurani Police Station,  
Madurai District.  
(Crime No.399/2021).

... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy, 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.399 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w 21(v) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.399 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported 1 unit of red sand without any valid permit in the vehicle. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent, that the petitioner is having one previous case in the year 2012, who was ended in conviction, after that he involved in two other cases, which were nuisance cases.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is having previous cases at his credit and the investigation is not yet completed.



5.Considering the facts and circumstances of this case, that the petitioner already involved in previous case of similar in nature was ended in conviction, this Court is inclined to grant anticipatory bail to the petitioner with certain stringent conditions.

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

7.Further the petitioner shall file an undertaking affidavit before the trial Court that the petitioner will not indulge any offence in future. If any case is registered against the petitioner in further, the anticipatory bail that has been granted in this case, is automatically cancelled without reference to this Court.

8.On production of such receipt/acknowledgment and undertaking, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Special Judge, Special Court for Mines and Minerals (D&R) Act, Madurai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judge concerned and the petitioner 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 petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

9.The petitioner 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.

sd/-

17/12/2021

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/ /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 JUDGE,  
SPECIAL COURT FOR MINES AND MINERALS (D&R) ACT,  
MADURAI.

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

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

COPY TO

THE OFFICER INCHARGE,  
DISTRICT MINERAL FOUNDATION TRUST,  
MADURAI.

ORDER

IN

CRL OP(MD) No.19959 of 2021

Date :17/12/2021

PKP/PN/SAR-2/28.12.2021/3P/5C