



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20466 of 2021

S.Rasu,

... Petitioner/Accused No.2

Vs

State Rep by,
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No. 574 of 2021).

... Respondent/Complainant

For Petitioner : Mr.G.R.Satish, Advocate.

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

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

PRAYER :-

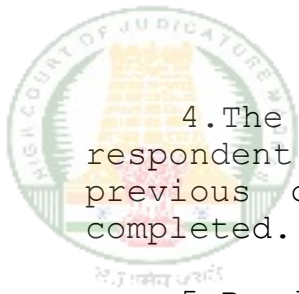
For Anticipatory Bail in Crime No. 574 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC r/w 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.574 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 16.12.2021 at 03.35PM, the accused persons had illegally transported 1 ½ unit of gravel sand without any valid permit in the vehicle bearing registration No.TN 69 V 8548. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was having permit for transporting 4.25 Cubic meters of gravel sand through the vehicle bearing registration No.TN 69 V 8548 from 11.20AM to 03.20PM on 16.12.2021. He would further submit that the petitioner is an innocent and not committed any such offence. Hence, prays to release him on bail.



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

5.Reading of FIR and relevant records shows that the petitioner has got valid permit to transport gravel sand on the day of occurrence till 03.20PM, but the occurrence took place at 03.35PM, it appears that the seizure took place after 15 minutes of permit time. Since, there is only violation of permit, there is no question of illegal transport of sand.

6.Considering the facts and circumstances of this case, that the valid permit got by the petitioner and the petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District 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 Magistrate 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.

8.The petitioner shall appear before the concerned Magistrate 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/-
21/12/2021

/ 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 JUDICIAL MAGISTRATE NO.II,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1 CC to M/s.G.R.SATISH, Advocate (SR-9594[I] dated 22/12/2021)

ORDER

IN

CRL OP(MD) No.20466 of 2021

Date :21/12/2021

PKP/PN/SAR-1/28.12.2021/3P/6C