



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20519 of 2021

1.Sankar

2.Chairman @ Chairma Selvakumar ... Petitioners/Accused Nos.1 & 3

Vs

State Rep.by

The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

Cr.No. 462 of 2021.

... Respondent/Complainant

For Petitioners: Mr.K.Kumaravel,
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.462 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(1) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.462 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported two units of river sand without any valid permit in the vehicles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first petitioner is having two

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previous cases of similar nature and second petitioner is not having any previous case and that the investigation is not yet completed.

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

6.Accordingly, the second petitioner shall pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the District Mineral Foundation Trust, Ramanathapuram, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the Judicial Magistrate, Kadaladi.

7.On production of such receipt/acknowledgment, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Kadaladi 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 second 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 second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The second 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.

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

sd/-

22/12/2021

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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



TO

1.The Judicial Magistrate,
Kadaladi.

2.Do Through The Chief Judicial Magistrate,
Ramanathapuram District.

3.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

4.The Officer Incharge,
District Mineral Foundation Trust,
Ramanathapuram District.

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

+1 CC to M/s.K.KUMARAVEL, Advocate (SR-9644[I] dated 22/12/2021)

ORDER

IN

CRL OP(MD) No.20519 of 2021

Date :22/12/2021

RS/PN/SAR.4 (05.01.2022) 3P-7C