



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 23/12/2021

PRESENT

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

**CRL OP(MD) . No.20764 of 2021**

Sundaramoorthy

... Petitioner/Accused No.2

Vs

State rep.by  
The Inspector of Police,  
Peraliyur Police Station,  
Madurai District.  
(Crime No.226/2021).

... Respondent/Complainant

For Petitioner : M/s.D.S.Haroon Rasheed, Advocate.

For Respondent : M/s.Manikandan,  
Government Advocate (Crl.Side)

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

PRAYER :-

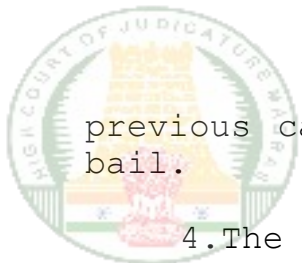
For Anticipatory Bail in Crime No.226/2021 on the file of the Respondent Police.

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 Sections 379 IPC and Section 4(1)(1A), 21(5) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.226 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 and not committed any such offence. This is the third bail application. The petitioner is not having any



previous cases, for similar nature. 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, in similar nature at his credit and the investigation is not yet completed.

5.Even before this application, two applications were dismissed by this Court, as the petitioner was having similar nature of previous case at his credit. The learned Government Advocate (Crl.Side) would submit that the petitioner is having previous case only for the offence under Section 188 IPC, which is not similar kind of offence. Considering the facts and circumstances of this case, that the petitioner is not having any similar kind of previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Special District Judge, Special Court for Mines and Minerals 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.

8.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/-  
23/12/2021

/ TRUE COPY /

/ /2021  
Sub-Assistant Registrar (C.S.I)  
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 SPECIAL DISTRICT JUDGE,  
SPECIAL COURT FOR MINES AND MINERALS ACT,  
MADURAI.
2. THE DISTRICT MINERAL  
FOUNDATION TRUST, MADURAI.
3. THE INSPECTOR OF POLICE,  
PERAIYUR POLICE STATION,  
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP (MD) No.20764 of 2021

Date :23/12/2021

SP/CN/SAR I/29/12/2021/3P/5C