



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20599 of 2021

1. Vinoth,

2. Gowtham,

... Petitioners/Accused Nos. 1&2

Vs

The State Rep. by,
The Sub Inspector of Police,
Alanganallur Police Station,
Madurai District.
Cr.No.457 of 2021.

... Respondent/Complainant

For Petitioners: Mr.M.Gokulnath,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. 457 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 24(1) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.457 of 2021, seek anticipatory bail.

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

3.The learned counsel for the petitioners would submit that based on the resolution passed by Panchayat President, the petitioners had raised the soil for public use and there was no intention to sell the same.



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

5.It appears that as per the resolution passed by the Village Panchayat President, for public use, the petitioners were engaged in removing soil, which make hindrance to the public and there was no intention to sell the same.

6.Considering the facts and circumstances of this case, that the petitioners are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Special Judge, Special Court for Mines and Minerals (D&R) Act, Madurai and on their executing 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 Judge concerned and the petitioners 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 petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 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/-
22/12/2021

/ TRUE COPY /

/ /2022
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.



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

2. THE SUB INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.G.KALEESWARAN, Advocate (SR-9643[I] dated 22/12/2021)

ORDER
IN
CRL OP(MD) No.20599 of 2021
Date :22/12/2021

PKP/CN/SAR-3/05.01.2022/3P/5C