



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/01/2022

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.931 of 2022

Ganesan

... Petitioner/Accused
Rank Not Known

Vs

State through
The Inspector of Police,
Samayanallur Police Station,
Madurai District
(Crime No.328 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Thirumurugan.R., Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.328 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 Sections 379 IPC and Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957, seeks anticipatory bail.

2.The case against the petitioner is that the first accused had illegally transported one unit of gravel sand by using Tractor, without any valid license. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner was not present in the scene of occurrence and he is only an owner of the Tractor and based on the confession statement given by the first accused, the petitioner is arrayed as an accused and prayed the petitioner to be released on anticipatory bail.



4. On the side of the respondent, it is stated that totally two persons were involved in the occurrence. Accused No.1 was arrested and released on bail and the petitioner is arrayed as A2 in this case and he is the owner of the Tractor. It is fairly admitted that the petitioner is having no previous case.

5. In view of the submissions made by both parties and considering the fact that there is no bad antecedents against this petitioner and that the co-accused/A1 was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Special Judge for Mines Act Cases, 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 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.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
28/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 FOR
MINES ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.931 of 2022
Date :28/01/2022

SP/JM/SAR II/03/02/2022/3P/4C