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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/01/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1469 of 2022

T. Esakki

... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
(Crime No.499 of 2021).

... Respondent/Complainant

For Petitioner : M/s.R.J.Karthick, 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.499 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 and Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.499 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported 3 units of saral sand without any valid permit. Hence, the complaint.

3.The learned counsel appearing for the respondent would submit that the petitioner is having not having any previous case at his credit and that the investigation is not yet completed.



4.The learned counsel for the petitioner would submit that this is the second anticipatory bail petition and co-accused were already released on bail and the petitioner is not having any previous case. Hence, prays to release him on anticipatory bail.

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5.Considering the facts and circumstances of this case, that the petitioner is not having previous case for similar offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the District Mineral Foundation Trust, Thoothukudi District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Principal Sessions Judge, Thoothukudi.

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 Principal Sessions Judge, Thoothukudi 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/-
28/01/2022

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/ /2022
Sub-Assistant Registrar (C.S.II)
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 PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI.
2. THE INSPECTOR OF POLICE,
THIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.1469 of 2022

Date :28/01/2022

SP/JM/SAR II/03/02/2022/2P/5C