



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1782 of 2022

Kutti @ Prasath

... Petitioner/Accused No.1

Vs

State repby

The Sub Inspector of Police,
M.Kallupatti Police Station,
Madurai.

(In Crime No.133 of 2021)

... Respondent/Complainant

For Petitioner : M/s.B.Satheskumar, Advocate.

For Respondent : M/s.R.Meenakshi Sundaram
Additional Public Prosecutor

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

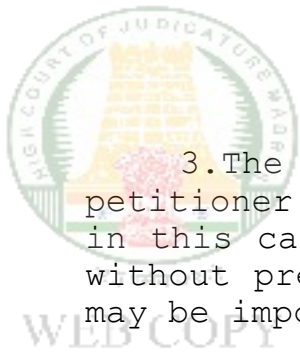
PRAYER :-

For Anticipatory Bail in Crime No.133 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.1, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC r/w Section 21 (5) of Mines and Minerals (Development and Regulation) Act 1957, in Crime No.133 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported one unit of Oorani sand by using Tractor bearing Reg.No.TN-59-W-9919. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, he would further submit that the petitioner, without prejudice to his right, is ready to deposit the amount that may be imposed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has transported one unit of Oorani sand illegally. He would further submit that there are two previous cases in similar nature are pending against the petitioner herein and the earlier petition filed by the petitioner was dismissed by order dated 10.11.2021 in CrI.O.P(MD) No.17348 of 2021.

5.Considering the above and also the nature of the charges levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of the District Mineral Foundation Trust, Madurai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Special Court for Mines and Minerals, Madurai District.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Mines and Minerals, Madurai District, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., for a period of 30 days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.



[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
02/02/2022

/ TRUE COPY /

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

TO

1. THE SPECIAL COURT FOR MINES
AND MINERALS, MADURAI DISTRICT.
2. THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
M.KALLUPATTI POLICE STATION,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SATHESKUMAR B Advocate SR.No.643

ORDER
IN
CRL OP(MD) No.1782 of 2022
Date :02/02/2022