



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.1410 of 2022

1. Nivas
2. Senthil Kumar ... Petitioners/Accused No.1 and 2

Vs

State rep.by
The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
(Crime No.10 of 2022). ... Respondent/Complainant

For Petitioners : M/s.C.Senthil Murugan, 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.10 of 2022 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 21(1) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.10 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported ½ unit of river sand without valid permission in the vehicle. Hence, the complaint.

3.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.



4. The learned counsel for the petitioners would submit that the petitioners are innocent and not having any previous case. Hence, prays to release them on bail.

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

6. Accordingly, the petitioners shall pay a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) each to the credit of the District Mineral Foundation Trust, Ramanathapuram, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Paramakudi.

7. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Judicial Magistrate, Paramakudi 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 Magistrate 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 Magistrate 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/-
27/01/2022

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE,
PARAMAKUDI.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
RAMANATHAPURAM DISTRICT.

4. THE INSPECTOR OF POLICE,
NAINARKOIL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.1410 of 2022

Date :27/01/2022

SP/JM/SAR II/01/02/2022/3P/6C