



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1581 of 2022

1. Anandharaj
2. Muthumariappan Petitioners/Accused No.1 & 3

Vs.

State rep.by
The Inspector of Police,
Koodakovil Police Station,
Madurai District.
(Crime No.9/2022). ... Respondent/Complainant

For Petitioners : M/s.Sivaprakash.S, Advocate.

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

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

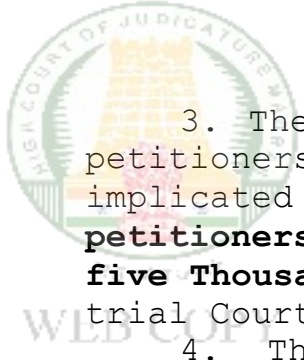
PRAYER :-

For Anticipatory Bail in Crime No.9/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos. 1 & 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of I.P.C r/w Section 21(5) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.09 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners said to have illegally transported the Odai sand, without any valid permission. Therefore, the present case came to be registered.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. However, to show their **bona fide**, the **petitioners have come forward to pay a sum of Rs.5,000/- (Rupees five Thousand only) each, to the credit of Cr.No.9 of 2022** before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners said to have illegally transported the Odai sand, without any valid permission. He further submitted that one previous case is pending against the first petitioner and no previous case pending against the second petitioner herein.

5. In view of the antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed insofar as the first petitioner is concerned.

6. Insofar as the second petitioner is concerned, considering the nature of mineral involved, the antecedent of the second petitioner **and his willingness to pay a sum of Rs.5,000/- (Rupees five Thousand only)** to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the second petitioner.

7. Accordingly, this Criminal Original Petition is allowed insofar as the second petitioner is concerned, on condition that the second petitioner shall deposit a sum of Rs.10,000/- (Rupees ten Thousand only) to the credit of Cr.No.9 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

8. On such deposit being made, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Special Court for MMDR Act Cases, Madurai, on condition that the second petitioner shall execute 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. Due to COVID-19 pandemic situation, the second petitioner shall appear before the respondent police once in a month i.e., on first Monday of every English Calendar Month at 10.30 a.m., until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

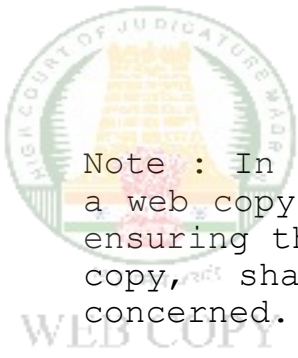
9. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
03/02/2022

/ TRUE COPY /

/ /2022

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



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 COURT FOR
MINES AND MINERALS REGULATION
DEVELOPMENT AND REGULATION ACT CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1581 of 2022
Date :03/02/2022

SP/PN/SAR III/18/02/2022/3P/4C