



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/01/2022

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1721 of 2022

C.Periyakaruppan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Cr.No.33/2022).

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.33/2022 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 21 (4) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.33 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported 1 unit of Gundukal without any valid permit in the vehicle. Hence, the complaint.

3.The learned counsel appearing for the respondent would submit that the petitioner is having one previous case, which is not similar in nature and the investigation is not yet completed.



4.The learned counsel for the petitioner would submit that the petitioner is an innocent and the petitioner is having one previous case, which is not similar in nature. Hence, prays to release him on anticipatory bail.

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5.A perusal of records, it is revealed that by mistake, 379 IPC is not included in the First Information Report. Considering the facts and circumstances of this case, that the petitioner is having one previous cases, which is not similar in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Mineral Foundation Trust, Theni, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Andipatti.

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 Judicial Magistrate, Andipatti 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.

8.The petitioner 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/-
31/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
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 JUDICIAL MAGISTRATE, ANDIPATTI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
THENI.

ORDER
IN
CRL OP(MD) No.1721 of 2022
Date :31/01/2022

USK/PN/SAR-III/21.03.2022/3P/6C