



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02.02.2022

WEB COPY

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL OP(MD) . No.2089 of 2022

K.Manisekaran

... Petitioner/1st Accused

Vs.

The Sub-Inspector of Police,
K.Paramathi Police Station,
Karur District.

(Crime No.438 of 2021)

... Respondent/Complainant

For Petitioner : M/s.S.Gokulraj, Advocate.

For Respondent : M/s.R.M.Anbu Nithi
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail Crime No.438 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/1st Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 r/w. Section 379 I.P.C., in Crime No.438 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported sand in lorry. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the co accused was already released on bail. The petitioner is the owner of the vehicle. The petitioner was waiting for the environmental clearance certificate and in the meanwhile, the vehicle was seized by the respondent police and prayed this Court to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is the owner of the vehicle. The co accused was already released on bail on 12.01.2022. The vehicle was seized by the respondent police with four units of gravel sand. There is no previous case and prayed the petition to be dismissed.

5.Considering that the co accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.12,000/- (Rupees Twelve Thousand only) to the credit of Cr.No.438 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate Cum District Munsif, Aravakurichi, Karur District, on condition that the 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 and the petitioner shall appear before the respondent police for a period of one month at 10.30 a.m., and thereafter as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The 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/-
02/02/2022

/ TRUE COPY /

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

MRN

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 CUM
DISTRICT MUNSIF, ARAVAKURICHI,
KARUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
K. PARAMATHI POLICE STATION,
KARUR DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.GOKULRAJ.S Advocate SR.No.675

ORDER

IN

CRL OP (MD) No.2089 of 2022

Date :02/02/2022

SP/VR/SAR III/07/02/2022/3P/6C