



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/02/2022
PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.2614 of 2022

1. Bharathan
2. Sathish
3. Senthil Kumar ... Petitioners/Accused Rank not known
Vs

The state represented by
The Sub Inspector of Police,
Thirupparankundram Police Station,
Madurai.
Cr.No. 25/2022.

... Respondent/Complainant

For Petitioners: Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 25 of 2022 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections 379
IPC and 21(1)(4) of Mines and Mineral (Development and Regulation)
Act, 1957, in Crime No.25 of 2022 on the file of the respondent
police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons have
illegally transported two units of river sand in the vehicle. Hence,
the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocent and they have been falsely implicated in
this case. However, he would further submit that the petitioners
without prejudice to their right, is ready to deposit the amount
that may be imposed by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent police would submit that no previous case is pending
against the petitioners herein.



5.Considering the facts and circumstances of the case and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of the District Mineral Foundation Trust, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Special District Judge, Special Court for Mines and Minerals (D&R) Act, Madurai.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special District Judge, Special Court for Mines and Minerals (D&R) Act, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judge concerned and on further conditions that:

a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Judge/ 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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/02/2022

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/ /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.

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- TO
- 1 THE SPECIAL DISTRICT JUDGE,
SPECIAL COURT FOR MINES AND MINERALS (D&R) ACT,
MADURAI.
 - 2 THE SUB INSPECTOR OF POLICE
THIRUPPARANKUNDRAM POLICE STATION, MADURAI.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
MADURAI.

ORDER
IN
CRL OP(MD) No.2614 of 2022
Date :10/02/2022

SS/SBN/SAR-II/17.02.2022 : 3P/5C