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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4000 of 2022

1. Sakthivel
2. Bharathi @ Karpoora Sundarabharathi

... Petitioners/Accused No. 1 & 2

Vs

State rep.by its
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.46 of 2022)

...Respondent/Complainant

For Petitioners: M/s.M.Jegadeesh Pandian, Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.46 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 Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1951, in Crime No.46 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 21.02.2022, the petitioners along with other accused have illegally transported 1½ units of Savadu sand. 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 (Criminal Side) appearing for the respondent police would submit that the petitioners have transported 1½ units of Savadu sand illegally. He would further submit that the first petitioner is having one previous for similar offence and that the second petitioner is having one previous case.

5.Considering the above and also the nature of the charges levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the first petitioner shall pay a sum of **Rs.7,500/- (Rupees Seven Thousand and Five Hundred only)** and the second petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the District Mineral Foundation Trust, Madurai District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Special Court for MMDR Act Cases, Madurai.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for MMDR Act Cases, 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 learned Magistrate 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioners shall not tamper with the 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 Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
01/03/2022

/ TRUE COPY /

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

CSM

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 JUDGE FOR
MINES AND MINERALS (DEVELOPMENT AND
REGULATION) ACT CASES, MADURAI.
2. THE OFFICER INCHARGE,
THE DISTRICT MINERAL FOUNDATION TRUST,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.4000 of 2022
Date : 01/03/2022