



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23.03.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4602 of 2022

WEB COPY

1. Mahesh Kumar
2. Karthick Kumar
3. Gokulakrishnan

... Petitioners/Accused Nos.1 to 3

Vs

State represented by
The Sub-Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(Crime No.27 of 2022)

... Respondent/Complainant

For Petitioners : Mr.M.Jothibasau,
Advocate.

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

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

PRAYER :-

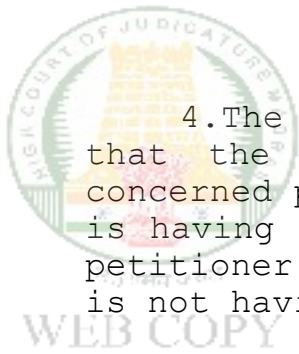
For Anticipatory Bail in Crime No.27 of 2022 on the file of the Respondent police.

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 Sections 279 and 379 IPC r/w 4(1)(1A) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, and Section 429 IPC r/w 11 (1)(a) of Prevention of Cruelty to Animals Act, 1960, in Crime No.27 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners/accused had driven the vehicle in a rash and negligent manner and dashed against the defacto complainant's goats, for which, 13 goats were died and 5 of them sustained injuries and that after enquiry, it was found that the accused have illegally transported the river sand in the said vehicle.

3.When the matter is taken up for hearing today, the petitioners have filed a memo stating that they have paid a sum of Rs.1,50,000/- and more particularly, Rs.1,10,000/- to the defacto complainant and Rs.40,000/- to one Rajeswaran, who had lost 5 goats.



4.The learned Government Advocate (Criminal Side) would submit that the petitioners paid the amount in the presence of the concerned police. He would further submit that the second petitioner is having one previous case for the similar offence, that the first petitioner is having one previous case and that the third petitioner is not having any previous cases.

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

6.Accordingly, the second petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of the District Mineral Foundation Trust, Virudhunagar District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Principal Sessions Court (Special Court for Mines and Minerals Act Cases), Virudhunagar District at Srivilliputhur.

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 Principal Sessions Court (Special Court for Mines and Minerals Act Cases), Virudhunagar District at Srivilliputhur, 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 Special Court 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 Sessions Judge 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 Sessions Judge/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 Sessions 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]**.

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

sd/-

23/03/2022

/ 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 PRINCIPAL SESSIONS JUDGE
(SPECIAL COURT FOR MINES AND MINERALS ACT CASES),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE SUB INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2415[I] dated 24/03/2022)

ORDER

IN

CRL OP(MD) No.4602 of 2022

Date :23/03/2022

RS/SBN/SAR.4(28.03.2022) 3P-6C

<https://hcservices.ecourts.gov.in/hcservices/>