



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/04/2022

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PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

**CRL OP(MD) . No.6171 of 2022**

Leelavathi

... Petitioner/Accused  
Rank Not Known

Vs

State rep.by  
The Inspector of Police,  
Thanthonimalai Police Station,  
Karur District.  
(Crime No.455/2021).

... Respondent/Complainant

For Petitioner : M/s.Nagendran N.V., Advocate.

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

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

PRAYER :-

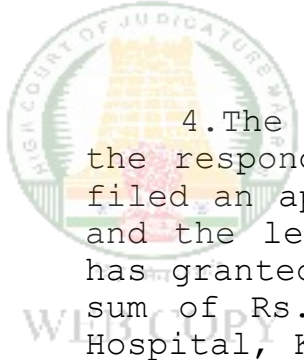
For Anticipatory bail in Crime No.455 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 379 IPC r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.455 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 two units of quartz stones. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. However, he would further submit that the petitioner, without prejudice to her 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 petitioner has earlier filed an application for anticipatory bail in Cr.M.P.No.614 of 2021 and the learned Sessions Judge, Karur, vide order dated 24.06.2021 has granted anticipatory bail directing the petitioner to deposit a sum of Rs.20,000/- before the Dean of Government Medical College Hospital, Karur. He would further submit that the petitioner is not having any previous case.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the District Mineral Foundation Trust, Karur District, without prejudice to her rights and contentions before the trial Court and produce the receipt/acknowledgment before the Special Court for Mines and Minerals (Development and Regulations) Act & PDJ, Karur.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for Mines and Minerals (Development and Regulations) Act & PDJ, Karur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Court concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Special 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 Magistrate/Special 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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/ TRUE COPY /

Sd/-  
04/04/2022

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

SJI

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 COURT FOR  
MINES AND MINERAL (DEVELOPMENT AND  
REGULATIONS) ACT & PDJ, KARUR.
  2. THE OFFICER INCHARGE,  
THE DISTRICT MINERAL FOUNDATION TRUST,  
KARUR DISTRICT.
  3. THE INSPECTOR OF POLICE,  
THANTHONIMALAI POLICE STATION,  
KARUR DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.
- +1. CC to M/S.NAGENDRAN N.V. Advocate SR.No.3022

ORDER  
IN  
CRL OP(MD) No.6171 of 2022  
Date :04/04/2022