



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

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PRESENT

The Hon`ble **Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD) . No.9248 of 2022

1. Dhanam
2. Saravanan ... Petitioners/Accused (Rank Not Known)

Vs

The State rep.by,
The Inspector of Police,
Balamedu Police Station,
Madurai District.
(Crime No.72 of 2022)

... Respondent/Complainant

For Petitioners : MR.V.Muthukamatchi,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.72 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused (Rank not known), who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 IPC and Section 21(1) of the Tamilnadu Mines and Minerals (Development and Regulation) Act 1957 in Crime No.72 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported two units of brick sand by using tipper lorry. 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, are ready to deposit the amount that may be imposed by this Court.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners have transported two units of brick sand illegally. He would further submit that the petitioners are not having any previous cases.

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 petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each as non-refundable deposit to the credit of Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai-625023 (A/c No.496039124, IFSC code: IDIB000H040), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the Special District Judge to deal with offences related to Mines and Minerals (Development and Regulation)Act, 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 Special District Judge to deal with offences related to Mines and Minerals (Development and Regulation)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 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 first petitioner shall report before the respondent as and when required for interrogation and the second petitioner shall report before respondent police on wednesday at 10.30 a.m., for a period of eight weeks 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]**.

sd/-
18/05/2022

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/ /2022

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

TO

- 1 THE SPECIAL DISTRICT JUDGE TO DEAL WITH
OFFENCES RELATED TO MINES AND MINERALS
(DEVELOPMENT AND REGULATION) ACT, MADURAI.
- 2 THE INSPECTOR OF POLICE
BALAMEDU POLICE STATION, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023.

+1 CC to MR.V.MUTHUKAMATCHI, Advocate (SR-4803[I] dated 19/05/2022)

ORDER
IN
CRL OP(MD) No.9248 of 2022
Date :18/05/2022

RMK
MK/VR/SAR.IV/23.05.2022/3P/6C