



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.9911 of 2022

1. Selvam @ Selvaa,

2. Kani @ Arumugakani ... Petitioners/Accused Nos.2 and 3

Vs

State represented by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
Crime.No.40 of 2020,. ... Respondent/Complainant

For Petitioners : Mr. Anto Prince.G,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 40 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 and 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC and Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.40 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported 1 unit of river sand by using Tempo. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. However, to show their *bona fide*, the



petitioners have come forward to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.40 of 2020 before the trial Court concerned.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the 2nd petitioner is having a similar case in Crime No.118 of 2019 on the file of the Seevalaperi Police Station.

5.Considering the nature of the mineral involved and the antecedents of the petitioners, this Court is inclined to grant anticipatory bail to the 1st petitioner alone.

6.Accordingly, this Criminal Original Petition is allowed on condition that the 1st petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.40 of 2020 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Srivaikuntam, on condition that the 1st petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the 1st petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The 1st petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The 1st petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed. Considering the bad antecedents of the 2nd petitioner and considering the fact that a case in similar nature in Crime No.118 of 2019 has been registered against the 2nd petitioner, this Court is not inclined to entertain this petition against the 2nd petitioner. Accordingly, this petition is dismissed against the 2nd petitioner.

sd/-
20/06/2022

/ TRUE COPY /

/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM



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 learned Judicial Magistrate, Srivaikuntam
 2. Do Through The Chief Judicial Magistrate,
Thoothukudi.
 3. The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to Mr.Anto Prince.G, Advocate SR.No. 27199

ORDER
IN
CRL OP (MD) No.9911 of 2022
Date : 20/06/2022

TR/JM/SAR-II (23.06.2022) 3P 6C