



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 05/07/2022

PRESENT

The Hon'ble Mr. Justice G.ILANGO VAN
Crl.OP(MD)No.10092 of 2022

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Ayyasamy : Petitioner/Accused No Rank
Vs.

The State rep.
Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
(Crime No.276 of 2022) : Respondent/Complainant

For Petitioner : Mr.K.R.Manimaran, Advocate
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

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

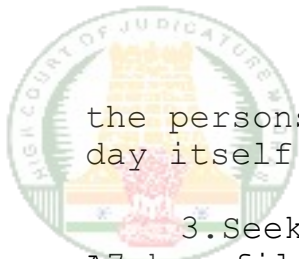
PRAYER:- For Anticipatory Bail in Crime No.276 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as an accused apprehending arrest at the hands of the respondent police for the offences punishable under section 379 IPC and section 21(1) & 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.276 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint against the three accused persons with the following allegations:- On 20/04/2022 at about 6.00 am, the police team along with the officials, attached to Mines Department, were on routine vehicle check up. At that time, they found a Lorry bearing registration No.TN-52-E-3612 and was intercepted, which was driven by one Raja, in which cleaner by name Muthukrishnan was also found. On inspection, it was found that it was loaded with 31 tones of semi processed enriched garnet. There was no proper document for transporting the above said rare earth. On enquiry, the petitioner stated that it was loaded by the persons coming in ERTOGA Car bearing registration No.TN-72-BZ-5591. When that was also intercepted, Kanaga Sabapathi, Kandeepen and John Amal Vinoth were also found. They were also enquired and found that without proper document, they have transported the rare earth. All



the persons have been produced before the police station on the day itself along with the complaint.

3. Seeking anticipatory bail, the petitioner, who is arrayed as A7 has filed this petition on the ground that he is the owner of the above said vehicle and he has not given any permission to the lorry driver to load and transport the rare earth.

4. The learned Government Advocate (Criminal side) would submit that this petitioner is the owner of the vehicle and on the basis of the confession statement of the driver, he has been arrayed as one of the accused and it is not denied that the vehicle bearing registration No. TN-52-E-3612 is owned by the petitioner.

5. Reading of the confession statement of A1 namely Raja shows that at the instance and instruction of one Senthil, who is the brother of this petitioner, the rare earth was transported. So, as stated by the petitioner, it is seen that this petitioner has not given any instruction or advise to the first accused to transport the mines.

6. Perusal of the CD file shows that this petitioner also appeared before the respondent. Whether this petitioner is involved in the above said occurrence is a matter for investigation. When the first accused himself has not implicated anything bad against this petitioner, he is entitled for anticipatory bail with certain conditions. If at all the above said Senthil, who gave instructions to the first accused to transport the rare earth, can be proceeded.

7. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Tirunelveli and on his executing 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 Judicial Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Judge 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.

sd/-

05/07/2022

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/07/2022

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 JUDICIAL MAGISTRATE NO.1,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.R.MANI MARAN, Advocate (SR-6669[I] dated 06/07/2022)

ORDER

IN

CRL OP(MD) No.10092 of 2022

Date :05/07/2022

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USK/PN/SAR-II/11.07.2022/3P/6C