



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

Date : 22/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN
CRL OP(MD). No.10619 of 2022

WEB COPY

1. M. Sermaraja ... Petitioners/Accused No.1
2. N. Maharajan, ... Petitioners/Unknown

Vs

The State Rep.by
The Sub Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
(Crime No.124/2022).

... Respondent/Complainant

For Petitioners : M/s.Manoj Kumar R,
Advocate.

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

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

PRAYER :-

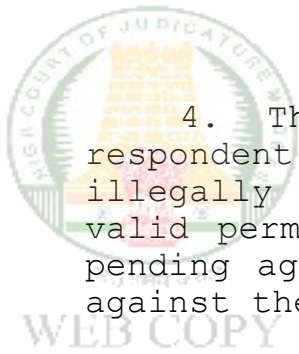
For Anticipatory Bail in Crime No.124/2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Section 379 of I.P.C and Section 21(4) of Mines and Minerals
(Development & Regulation) Act, in Crime No.124 of 2022, on the file
of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners said to
have illegally transported two units of black stone, without any
valid permission. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the
petitioners are innocent persons 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) each, to the credit of Cr.No.124 of 2022** before
the trial Court concerned.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners said to have illegally transported the two units of black stone, without any valid permission. He further submitted that 14 previous cases are pending against the second petitioner and no previous case pending against the first petitioner herein.

5. In view of the antecedents of the second petitioner, this Court is not inclined to grant anticipatory bail to the second petitioner. Accordingly, this petition is dismissed insofar as the second petitioner is concerned.

6. Insofar as the first petitioner is concerned, considering the nature of mineral involved, the antecedent of the first petitioner **and his willingness to pay a sum of Rs.10,000/- (Rupees Ten Thousand only)**, to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the first petitioner.

7. Accordingly, this Criminal Original Petition is allowed insofar as the first petitioner is concerned, on condition that the first petitioner shall deposit a sum of Rs.10,000/- (Rupees ten Thousand only), to the credit of Cr.No.124 of 2022 before the trial Court concerned, without prejudice to his right and contentions before the trial Court.

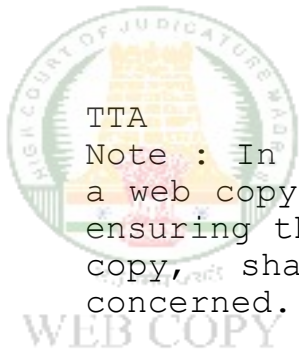
8. On such deposit being made, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.V, Tirunelveli District, on condition that the first petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned. The first petitioner shall appear before the respondent police once in a month i.e., on first Monday of every English Calender Month at 10.30 a.m., until further orders. The first petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

9. The first 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.

sd/-
22/06/2022

/ TRUE COPY /

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



TTA

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.V, Tirunelveli District.
2. -do-Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Sub Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.10619 of 2022

Date :22/06/2022

RD/SKN/SAR-IV(30.06.2022) 3P 5C