



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.10858 of 2022

1. Packiyaraj
2. Sekar

... Petitioners/Accused Nos.2 and 3

Vs

State through
The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
Crime No.38/2022.

... Respondent/Complainant

For Petitioners : Mr.G.Kalidoss,
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.38 of 2022 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 Sections 353, 506(ii) and 379 of I.P.C. and Section 21 (5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.38 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 the Odai sand by using Tractor. 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.38 of 2022 before the trial Court concerned.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the 2nd petitioner is having three previous cases in Crime Nos.386 of 2016, 171 of 2017 and 66 of 2021 on the file of the Kadamalaikundu Police Station and Saptur Police Station respectively.

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.38 of 2022 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 No.II, Usilampatti, Madurai District, 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 previous antecedents of the 2nd petitioner and considering the fact that 3 cases have 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 /

24/06/2022
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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
M.KALLUPATTI POLICE STATION,
MADRURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KALIDOSS G Advocate SR.No.5804.

ORDER

IN

CRL OP(MD) No.10858 of 2022

Date :20/06/2022

MM

MK/JM/SAR.II/24.06.2022/3P/6C