



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12105 of 2022

1. Sundhar @ Sundarapandian
2. Esakki Muthu
3. Thanga Kumar

... Petitioners/Accused
No.1,2 & 3

Vs

State rep.by
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.172 of 2022).

... Respondent/Complainant

For Petitioners: M/s.Jeyakarthik.M.S, 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. 172 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1,2&3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 I.P.C and 21(5) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.172 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 3 $\frac{3}{4}$ units of Jalli Stones by using Tempo Lorry bearing Reg.No.TN-74-BA-1849. Therefore, the present case came to be registered.



3. The learned counsel 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.18,750/- (Rupees Eighteen Thousand Seven Hundred and Fifty only) to the credit of Cr.No.172 of 2022 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners have transported illegally transported 3 $\frac{3}{4}$ units of Jalli Stones by using Tempo Lorry bearing Reg.No.TN-74-BA-1849. He further submitted that no previous case is pending against the petitioner.

5. Considering the nature of the mineral involved, the antecedents of the petitioners and their willingness to pay a sum of Rs.18,750/- (Rupees Eighteen Thousand Seven Hundred and Fifty only) to the credit of Crime number, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioners shall deposit a sum of Rs.18,750/- (Rupees Eighteen Thousand Seven Hundred and Fifty only) to the credit of Cr.No.172 of 2022 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

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

8. The petitioners 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/-
06/07/2022

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM.

2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.JEYAKARTHIK.M.S Advocate SR.No.6803

ORDER

IN

CRL OP(MD) No.12105 of 2022

Date :06/07/2022

SP/SVR/SAR I/12/07/2022/3P/6C