



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12335 of 2022

1. Veliyappan

2. Madasamy

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Sub Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
Crime No.56/2022.

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu,
Advocate.

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

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

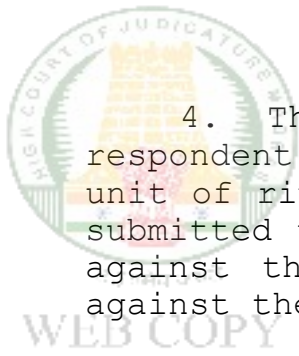
PRAYER :-For Anticipatory Bail in Crime No.56 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 I.P.C r/w 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.56 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 ³⁴ unit of river sand by using Mahindra Tractor. 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.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.56 of 2022 before the trial Court concerned.



4. The learned Government Advocate (Crl. Side) the respondent police submitted that the petitioners have transported 34 unit of river sand illegally by using Mahindra Tractor. He further submitted that there is two previous case similar in nature pending against the first petitioner herein and no previous case pending against the second petitioner.

5. Considering the previous cases pending against the first petitioner, which is similar in nature, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this criminal original petition is dismissed in respect of the first petitioner.

6. Second petitioner is concerned he has no previous case. Therefore, considering the nature of minerals involved in this case and his willingness to deposit 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 second petitioner alone.

7. Accordingly, this Criminal Original Petition is allowed in respect of the second petitioner alone on condition that the second petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Cr.No.56 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

8. On such deposit being made, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Principal Sessions Judge (Special Court for Mines and Minerals Act Cases), Virudhunagar District at Srivilliputtur, on condition that the second 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 Judge concerned and the second petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The second 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/-

08/07/2022

/ TRUE COPY /

/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 PRINCIPAL SESSIONS JUDGE,
(SPECIAL COURT FOR MINES AND MINERALS ACT CASES),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE SUB INSPECTOR OF POLICE
SEITHUR RURAL POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-6857[I] dated 11/07/2022)

ORDER

IN

CRL OP(MD) No.12335 of 2022

Date :08/07/2022

TM

MK/PN/SAR.II/18.07.2022/3P/7C