



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14461 of 2022

1. Karuppiah @ Raja

2. Subbiah

... Petitioners/Accused No.2 & 3

Vs

The State rep.by
The Inspector of Police,
Keelavalavu Police Station,
Madurai District.
(Crime No. 191 of 2022).

... Respondent/Complainant

For Petitioner : M/s.SASI KUMAR.C,
Advocate.

For Respondent : Mr.P.KOTTI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 191 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.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 MMDR Act, in Crime No.191 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused said to have attempted to transport Oodai sand for sale by using JCB bearing Reg.No.TN-59-AZ-8110. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners tried to transport Oodai sand for sale by using JCB bearing Reg.No.TN-59-AZ-8110. But, however, no bad antecedent is reported against the petitioners.

5. Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Special Court for Mines and Minerals Case, Madurai, 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.

7. 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/-
24/08/2022

/ TRUE COPY /

(*)ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.SASI KUMAR.C, Advocate for the petitioner and of Mr.P.KOTTI CHAMY, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

(*) The matter is listed today under the caption 'for being mentioned' at the instance of the learned Government Advocate (Crl.side).

2. The learned Government Advocate (Crl. Side) for the respondent would submit that even though in this petition, order has been passed by granting anticipatory bail to the petitioners on 24.08.2022 on the ground that the petitioners are not having no previous bad antecedents, it is a misstatement on the part of the respondent police, who was present before this Court on that date. The learned counsel for the petitioners seeks leave to withdraw this petition and he has also made an endorsement to that effect.

3. In view of the same, this Criminal Original Petition is dismissed as withdrawn and the order that has been passed by this



Court in Crl.O.P.(MD) No.14461 of 2022 dated 24.08.2022 is recalled. Registry is directed to issue fresh order copy to the parties concerned.

sd/-
01/09/2022

WEB COPY

/ TRUE COPY /

/09/2022

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

TO

- 1 THE JUDGE,
SPECIAL COURT FOR MINES AND MINERALS CASE,
MADURAI.
- 2 THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SASI KUMAR C Advocate SR.No.8929 (I)
(Date:24/08/2022).

ORDER

IN

CRL OP(MD) No.14461 of 2022
Date :24/08/2022

SA/SVR/SAR.2/16.09.2022/3P/5C