



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16251 of 2022

1. Packiaraj @ J.Backiyaraj
2. Sekar @ Kulumai Sekar

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Saptur Police Station,
Madurai District
(Crime No.132 of 2022).

... Respondent/Complainant

For Petitioners : M/s.KALIDOSS.G, Advocate

For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.132 of 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 Sections 379 and 4(1)(1A) and 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.132 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 $\frac{1}{4}$ unit of red sand by using vehicle. Therefore, the present case came to be registered.

3. On the side of petitioners, it is stated 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.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.132 of 2022 before the trial Court concerned.

4. On the side of prosecution, it is stated that the petitioners have transported mineral illegally. He further submitted that the first petitioner is not having previous case and the second



petitioner is having two previous cases, which are not similar in nature.

5. Considering the nature of the mineral involved, that the first petitioner is not having any bad antecedent and the second petitioner is also not having any bad antecedent of similar in nature and their willingness to pay a sum of Rs.5,000/- (Rupees Five Thousand 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.5,000/- (Rupees Five Thousand only) to the credit of Cr.No.132 of 2022 before the trial Court concerned, without prejudice to their rights and contentions before the trial Court.

7. On such deposit being made, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Peraiyur, Madurai District, on condition that the petitioners 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 on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall appear before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law, as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/09/2022

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/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE
PERAIYUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.KALIDOSS.G Advocate SR.No.9775 (I)
(Date:08/09/2022).

ORDER

IN

CRL OP(MD) No.16251 of 2022
Date :08/09/2022

PNM

SA/VRS/SAR.2/14.09.2022/3P/6C