



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.17120 of 2022

WEB COPY

Perumal

... Petitioner/Sole Accused

Vs

State Rep by
The Sub Inspector of Police,
Seithur Police Station, Virudhunagar District.
Crime No.186 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu M,

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.186 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Section 379
of IPC r/w Section 21(1) of Mines and Minerals (Development and
Regulation) Act 1957, in Crime No.186 of 2022 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused had illegally
transported 1 unit of vandal sand, without any valid permit. Hence,
the complaint.

3.On the side of petitioner, it is stated that the petitioner
is innocent and he has not committed any offence as alleged by the
prosecution. He would further submit that the petitioner shall abide
any condition imposed by this Court.

4.On the side of prosecution, it is stated that the accused had
transported mineral illegally and hence, strongly opposed to grant
anticipatory bail.

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 petitioner with certain



6. Accordingly, the petitioner shall deposit a sum of **Rs.1,000/- (Rupees One Thousand only) to the credit of Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Principal Sessions Judge, Special Court for Mines and Minerals Act Cases, Virudhunagar District at Srivilliputhur, on condition that the 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 on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/09/2022

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/09/2022

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

PNM



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 Police Station, Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to
The officer Incharge,
Rojavanam,
Home for aged and poor,
Madurai.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-10482[I] dated 26/09/2022)

ORDER
IN
CRL OP(MD) No.17120 of 2022
Date : 23/09/2022

TR/GB/SAR-II(28.09.2022) 3P 6C