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

Date : 24/05/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9447 of 2023

Saravanan

... Petitioner/Accused Rank not known

Vs

The State represented by
Inspector of Police,
Vadipatti Police Station,
Madurai District.
Crime No.380 of 2021.

... Respondent/Complainant

For Petitioner : M/s.K.Sivabalan,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.380 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
379 of IPC, and Section 21(5) of Mines and Minerals (Development &
Regulation) Act, 1957, in Crime No.380 of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that on 30.08.2021, the
Tahsildhar(Vadipatti), Revenue Inspector along with Village
Assistant Officer made inspection in the Government Licensed Quarry
owned by the petitioner at Survey No.1673-1 Na.Ka.No.1827/2018. At
that time, it was found that the license period was over by
26.08.2021. However, the petitioner has illegally transported rough
stones by using lorry bearing Registration No.TN-57-AH-9022.
Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the
petitioner is an innocent person and he has been falsely implicated
in this case. He further submitted that the petitioner is a driver
of the lorry.



4. The learned Government Advocate appearing for the respondent police submitted that the license period was over and beyond the license period, he has illegally transported the rough stones. He further submitted that co-accused in this case was granted anticipatory bail.

5. It appears that this Court, by order dated 22.09.2021, directed the respondent Police to get a report from the Director of Geology and Mining, Madurai District with regard to the place and depth of the quarry. The Assistant Director of Geology and Mining, Madurai, sent a report to the respondent Police by proceedings Na.Ka.No.1426/Mineral/2021 dated 04.10.2021, wherein, it is stated that the agreement was made on 10.08.2017 and the lease is for the period from 28.08.2017 to 27.08.2022. Further, a permit has been granted to the petitioner in Permit Seat No.1131 for the period from 23.08.2021 to 26.08.2021, to take away rough stones around 120 Kilometers.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, and also the fact that the petitioner is only a driver of the lorry and that co-accused/A1 was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this criminal original petition is allowed and 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 learned Judicial Magistrate, Vadipatti, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[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 Magistrate/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 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].



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

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

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TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.SIVABALAN K, Advocate (SR-7862[I] dated 25/05/2023)

ORDER
IN
CRL OP(MD) No.9447 of 2023
Date :24/05/2023

SS/MMS/SAR II/29/05/2023/3P/6C