



CRL OP(MD).No.9028 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.06.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.9028 of 2024

K.Arun

... Petitioner/ Accused Rank not known

Versus

State Rep. by
The Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.101 of 2024)

... Respondent/complainant

For Petitioner : Mr.K.Anandan
Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.101 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in



CRL OP(MD).No.9028 of 2024

connection with a case in Crime No.101 of 2024, for the offence under Section 379
IPC r/w. Section 21(1) of Mines and Minerals (Development & Regulation) Act,
1957, has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported one unit of gravel sand in a tractor.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, this case has been foisted against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) opposes for grant of anticipatory bail on the ground that the petitioner is having one previous case of similar in nature.

5. Considering the facts and circumstances of the case and also considering the quantity of mineral, this Court is inclined to grant anticipatory bail to the petitioner.



CRL OP(MD).No.9028 of 2024

WEB COPY

6. Accordingly, this Criminal Original Petition is ordered 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 on condition that

(i) the petitioner executes a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Bodinayakanur.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. He has to co-operate for the investigation.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.



CRL OP(MD).No.9028 of 2024

7. It is needless to say that any tool or instrument or vehicle used for illegal quarrying / transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals(Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated.

sd/-
20/06/2024

/ TRUE COPY /

/06/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

TO

1 THE JUDICIAL MAGISTRATE,
BODINAYAKANUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
THEVARAM POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.K.ANANDAN, Advocate (SR-6729[I] dated 20/06/2024)



WEB COPY



CRL OP(MD).No.9028 of 2024

ORDER
IN
CRL OP(MD) No.9028 of 2024
Date :20/06/2024

SS/VR/SAR- /28/06/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023