



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

Thursday, the Fourth day of April Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5139 of 2019

1 KARUPPASMAY,
2 ALAGUPANDI,
3 ADAIKALAM,
4 RAMANATHAN,

... PETITIONERS / ACCUSED RANK NOT KNOWN
Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
THIRUCHULI P.S., VIRUDHUNAGAR DT.
(CRIME.NO.81 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.NAVANEETHARAJA Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

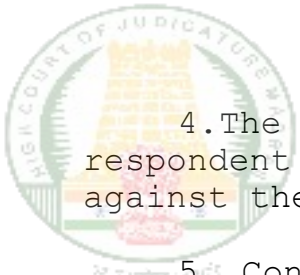
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.81 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and others illegally quarried sand in Gundaru River bed and on seeing the police, they fled away from the scene of occurrence and that the police arrested two persons on the spot and registered the present case.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the petitioners are willing and ready to pay Rs.1,50,000/- to Government High School, Kulasekaranallur, Tiruchuli Panchayat Union, Virudhunagar District, and also another sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to Sethupathi Government Higher Secondary School, Tiruchuli Panchayat Union, Virudhunagar District, which shall be utilized by the Headmaster/Headmistress of the said Schools, for constructing Toilet facility to the Students. Hence, he prayed for anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there is no previous case against the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are willing and ready to pay Rs.1,50,000/- to Government High School, Kulasekaranallur, Tiruchuli Panchayat Union, Virudhunagar District, and also another sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) to Sethupathi Government Higher Secondary School, Tiruchuli Panchayat Union, Virudhunagar District, for the welfare of the Students of the said Schools, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their surrender, within a period of fifteen days from the date of receipt of a copy of this order before the learned Judicial Magistrate, Aruppukottai District, on condition that each of 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned before whom they surrender and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

(b)(i) the petitioners are directed to pay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) by way of Demand Draft in favour of the Headmaster/Headmistress, Government High School, Kulasekaranallur, Tiruchuli Panchayat Union, Virudhunagar District, which shall be utilized by the Headmaster/Headmistress of the School for constructing Toilet facility to the Students.

(ii) the petitioners are also directed to pay another sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) by way of Demand Draft in favour of the Headmaster/Headmistress, Sethupathi Government Higher Secondary School, Tiruchuli Panchayat Union, Virudhunagar District, which shall be utilized by the Headmaster/Headmistress of the School for constructing Toilet facility to the Students.

(iii) the Headmasters/Headmistresses of the above said Schools are directed to carry out the welfare works as mentioned above in their Schools using the above said amounts and report the same with necessary proof of accounts, receipts and documents before the concerned District Educational Officer, within a period of eight weeks from the date of completion of construction work.



(iv) the petitioners shall make the above payment before the execution of bond and sureties.

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/04/2019

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

TO

1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION, VIRUDHUNAGAR DT.

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

COPY TO

THE HEADMASTER/HEADMISTRESSES,
GOVERNMENT HIGH SECONDARY SCHOOL, KULASEKARANALLUR,
TIRUCHULI PANCHAYAT UNION, VIRUDHUNAGAR DISTRICT.

+1. CC to Mr.K.NAVANEETHARAJA Advocate SR.No.6191
PS/JC/SAR-4/10.04.2019/3P/7C

ORDER

IN

CRL OP(MD) No.5139 of 2019

Date : 04/04/2019