



CRL OP(MD) No.227 of 2024

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.227 of 2024

NISANTH

... PETITIONER/ ACCUSED 1

Vs

**THE INSPECTOR OF POLICE
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.241/2023**

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.M.KARUNAKARAN Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

**PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.241/2023 ON THE FILE OF
THE RESPONDENT POLICE**

ORDER : The Court Made the following order :-

**The petitioner/A1, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 294(b), 353, 307, 109 and 379 of IPC r/w**



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Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.241 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 27.05.2023, during vehicle check up, the respondent police stopped the vehicle for checking whether sand is illegally transported, at that time, the petitioner herein drove the vehicle in a rash and negligent manner and hit the de-facto complainant and also abused him in filthy language. Hence, a case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to construct a toilet for the benefit of the students studying in the(*) **Government Girls Higher Secondary School, Pattukottai.**

4.The learned Government Advocate (Crl. side) appearing for the respondent Police submitted that the investigation is pending and the petitioner is having three previous cases of similar in nature. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the

facts that no serious allegation is made against the petitioner and the petitioner is
<https://www.mhc.tn.gov.in/judis>



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undertaking to construct a toilet to the (*)**Government Girls Higher Secondary School, Pattukottai**, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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, Pattukottai, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner is directed to construct a toilet to the (*)**Government Girls Higher Secondary School, Pattukottai**, and an appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster of the said School and thereafter, sureties shall be accepted.

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



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(d)the petitioner shall report the respondent Police as and when required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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]; and;

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

sd/-
08/01/2024

(*)FOR BEING MENTIONED AS PER ORDER
OF THIS HON'BLE COURT Dated 02/02/2023
IN CRL.OP(MD).227/202 by MDIJ

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

TO BE SUBSTITUTED WITH THE ORDER DT. 08/01/2024 ALREADEY
DESPATCHED

1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

1 THE HEAD MASTER,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
PATTUKOTTAI

2 THE HEAD MASTER,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
THANJAVUR



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+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-318[I] dated 08/01/2024)

ORDER
IN
CRL OP(MD) No.227 of 2024
Date :08/01/2024

SA/VR/SAR. /11.01.2024/6P/8C

INDU

PKP/VR/SAR /12.02.2024/ 6P/ 8C

Madurai Bench of Madras High Court is issuing certified
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