



CRL OP(MD) No.99 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.99 of 2024

MAYANDI

... PETITIONER/UNNAMED ACCUSED

Vs

THE INSPECTOR OF POLICE
PAVOORCHATHIRAM POLICE STATION,
TENKASI DISTRICT.
CRIME NO.438 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.KATHIRVELU, Senior Counsel
for Mr.K.PRABHU Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 439 Cr.P.C.

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.438 OF 2023 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 offence under Sections 465, 467, 468, 420, 379 and 511 of IPC, in Crime



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No.438 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that on secret information, the respondent Police went to inspect S.F.Nos.138/3 and 138/10 and found that the accused persons were conducting mining operation in a Tipper lorry and JCB and when the respondent Police inquired, the accused persons produced a pass and on verification, it was found that the pass shown by the accused persons is a bogus one. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has transported the sand from his property, for which, he obtained permission from the Revenue Officials and the Law Enforcing Agency has filed the false complaint against the petitioner. However, on instructions, he would submit that the petitioner, without prejudice to his rights, is ready to construct a toilet to the Panchayat Union Primary School, Sadayappapuram, Kulasekarapatti Village, Tenkasi District and hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that 14 previous cases are pending against the petitioner.

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



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the submission made by the learned counsel appearing for the petitioner that the petitioner, without prejudice to his rights, is ready to construct a toilet for a School, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Tenkasi District, 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) 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;

(b) since the petitioner, on his own volition, undertakes to construct a toilet to the Panchayat Union Primary School, Sadayappapuram, Kulasekarapatti Village, Tenkasi District, a toilet to the said school shall be constructed, within a period of four weeks from the date of receipt of copy of this order. The Headmaster of the said



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school shall co-operate with the petitioner for construction of toilet for the benefit of girl students. After construction of toilet, appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster of the said School. Further, the petitioner shall file a photograph before the learned Judicial Magistrate, after construction of toilet to the said school.

(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;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, 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;



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(h)if the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
08/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI, TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PAVOORCHATHIRAM POLICE STATION,
TENKASI DISTRICT.

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

COPY TO:

THE HEAD MASTER,
PANCHAYAT UNION PRIMARY SCHOOL,
SADAYAPPAPURAM, KULASEKARAPATTI VILLAGE,
TENKASI DISTRICT.

+1 CC to M/s.K.PRABHU, Advocate (SR-348[I] dated 08/01/2024)



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ORDER
IN
CRL OP(MD) No.99 of 2024
Date :08/01/2024

SA/DD/SAR. /23.01.2024/6P/7C

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