



CRL OP(MD) No.812 of 2024

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

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.812 of 2024

1 THANGAMALAI

2 KANAGARAJ ... PETITIONERS / PETITIONERS/1st and 2nd ACCUSED

Vs

THE SUB INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
SIVAGIRI,
TENKASI DISTRICT.
CR.NO.397/2023

... RESPONDENT / RESPONDENT/COMPLAINANT

For Petitioner : M/S.PALPANDI.V, Advocate

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

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

PRAYER:

FOR ANTICIPATORY BAIL IN CR.NO.397/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the



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respondent Police for the alleged offence punishable under Section 379 of IPC in

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Crime No.397 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were found in illegally transportation of soil from the Vishwanatha Peri Village pond to one Chinnaraju bricks company. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to construct a toilet for the benefit of the Girl students studying in the **(*)Government Higher Secondary School, Vasudevanallur.**

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are undertaking to construct a toilet to the **(*)Government Higher Secondary School, Vasudevanallur**, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a



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period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners are directed to construct a toilet to the (*)**Government Higher Secondary School, Vasudevanallur**, and an appropriate proof shall be sent to the concerned learned Judicial Magistrate and before this Court, by the Headmaster of the said School and thereafter, sureties shall be accepted.

(b)if the petitioners 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;

(d)the petitioners shall report before the respondent police as and when required for interrogation;



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

(f)the petitioners 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 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;

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

sd/-
18/01/2024

**(*)AMENDED AS PER THE ORDER OF THIS
HON'BLE COURT in CRL OP(MD) No.812 of
2024 dated 31/01/2024.**

/ 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 DATED 18/01/2024 ALREADY
DESPATCHED**

1 THE JUDICIAL MAGISTRATE
SIVAGIRI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
SIVAGIRI, TENKASI DISTRICT.

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

COPY TO:

1 THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
SIVAGIRI,
TENKASI DISTRICT.

2 THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
VASUDEVANALLUR.

ORDER
IN

CRL OP(MD) No.812 of 2024

Date :18/01/2024

SS/JGB/SAR- /29/01/2024/5P/6C

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SS/GS/SAR- /05/02/2024/5P/7C

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