



CRL OP(MD) No.451 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.451 of 2024

D.KARUPPASAMY

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE SUB INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT,
CRIME NO.400/2023

... RESPONDENT/COMPLAINANT

For Petitioner : MR.P.GANAPATHI SUBRAMANIAN, Advocate
For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.400/2023 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 Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Cr.No.400 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported one

unit of sand without valid permission. Hence the complaint.



CRL OP(MD) No.451 of 2024

WEB COPY

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the District Siddha Medical Office and hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that this is the second application for anticipatory bail and the earlier application filed by the petitioner in Crl.O.P(MD).No.17660 of 2023 was dismissed by this Court on 04.10.2023. He would further submit that the petitioner had transported one unit of sand illegally and one previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit some amount to the District Siddha Medical Office, 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 No.II, Srivilliputhur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



CRL OP(MD) No.451 of 2024

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)the petitioner shall make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam,, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(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;



CRL OP(MD) No.451 of 2024

WEB COPY

(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/-
11/01/2024

/ TRUE COPY /

/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 NO.II, SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE SUB INSPECTOR OF POLICE, SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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



CRL OP(MD) No.451 of 2024

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI PKM, PERIYAKULAM, THENI DISTRICT.

ORDER

IN

CRL OP(MD) No.451 of 2024

Date :11/01/2024

RS/JGB/SAR-(23.01.2024) 5P 6C

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