



CRL OP(MD) No.288 of 2024

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.288 of 2024

MUSTHAFA

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE  
AYYAMPETTAI POLICE STATION,  
THANJAVUR DISTRICT.  
CRIME NO. 423 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.A.ARUN PRASAD, 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.423 OF 2023 ON THE FILE OF  
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Sole Accused, who apprehends arrest at the hands of the  
respondent police for the alleged offence punishable under 379 of I.P.C. r/w Section  
21 (4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime  
No.423 of 2023 on the file of the respondent Police, seeks anticipatory bail.

<https://www.mhc.tn.gov.in/judis> 2. The case of the prosecution is that the petitioner has illegally transported ¼



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unit of river sand. Hence, the complaint.

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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.10,000/- (Rupees Ten Thousand only) to the Panchayat Union Primary School, Thatchankuruchi, Pudukottai District, for buying benches and desks to the classrooms.

4. The learned Government Advocate (Criminal 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 petitioner is undertaking to buy benches and desks to the Panchayat Union Primary School, Thatchankuruchi, Pudukottai District, for the benefit of the students studying in that School, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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.III, Thanjavur, 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



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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 draw a Demand Draft for a sum of Rs.10,000/- (Rupees Ten Thousand only) in favour of the Headmaster, Panchayat Union Primary School, Thatchankurichi, Pudukottai District and the petitioner is further directed to produce the copy of the Demand Draft at the time of execution of sureties before the concerned learned Judicial Magistrate 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;

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

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



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(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 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/-  
09/01/2024

/ TRUE COPY /

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

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.

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

3 THE INSPECTOR OF POLICE, AYYAMPETTAI POLICE STATION,  
THANJAVUR DISTRICT.

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



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COPY TO

THE HEADMASTER,  
PANCHAYAT UNION PRIMARY SCHOOL,  
THATCHANKURICHI, PUDUKOTTAI DISTRICT.

+1 CC to M/s.A.ARUN PRASAD, Advocate ( SR-552[I] dated 11/01/2024 )

ORDER

IN

CRL OP(MD) No.288 of 2024

Date :09/01/2024

RS/JGB/SAR-(12.01.2024) 5P 7C

Madurai Bench of Madras High Court is issuing  
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