



CRL OP(MD). No.437 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.437 of 2024

Ashok Metha

... Petitioner/ Accused No.2

Vs

The State rep by
The Inspector of Police,
Srirangam Police Station,
Trichy.
In Crime No.17 of 2024 .

... Respondent/Complainant

For Petitioner : Mr.R.Yamuna, Advocate.

For Respondent : Mr.B.S.S.Madhavan
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.17 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent

<https://www.mhc.tn.gov.in/jedis>



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police for the alleged offence under Section 379 of IPC r/w 21(1)(2) of Mines & Minerals (Development & Regulation) Act, 1957, in Crime No.17 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that on 04.01.2024, on secret information, the defacto complainant went to the spot and found that the petitioner along with other accused illegally transported 2 ½ units of river sand by using the vehicles namely, a Tata Benz bearing Reg.No.TN-76-L-1991 and a JCB bearing Reg.No.TN-29-AQ-8244. Hence, the Law Enforcing Authority, registered a case against the accused.

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. Further, on his own volition, he undertakes to construct a toilet to the Nehruji Memorial Corporation Middle School, Melakondaiyampettai, Thiruvanaikovil, Trichy-5. Hence, he prayed for the anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is having 5 previous cases. However, the petitioner is ready to construct a toilet to the Nehruji Memorial Corporation Middle School, Melakondaiyampettai, Thiruvanaikovil, Trichy-5, this Court may consider

the anticipatory bail for the petitioner.



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5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to construct a toilet to the Nehruji Memorial Corporation Middle School, Melakondaiyampettai, Thiruvanaikovil, Trichy-5, this Court is 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 six weeks from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate Court, Srirangam, Trichy 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 six weeks 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 Nehruji Memorial Corporation Middle School, Melakondaiyampettai, Thiruvanaikovil, Trichy-5, he is directed to construct a toilet to the said school, within a period of six weeks from the date of receipt of copy of this order. The Head



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

(c) the sureties shall affix his 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 his identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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 Section 229-A IPC.

sd/-
10/01/2024

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

DSS
TO

- 1 THE DISTRICT MUNSIF
JUDICIAL MAGISTRATE, SRIRANGAM,
TRICHY DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
TRICHY,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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COPY TO

THE HEADMASTER
NEHRUJI MEMORIAL CORPORATION MIDDLE SCHOOL,
MELAKONDAIYAMPETTAI, THIRUVANAIVKOVIL,
TRICHY -5.

+1 CC to M/s.R.YAMUNA, Advocate (SR-725[I] dated 12/01/2024)

ORDER
IN
CRL OP(MD) No.437 of 2024
Date :10/01/2024

PKP/DD/SAR- /18.01.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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