



CRL OP(MD) No.532 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.532 of 2024

1 SRINIVASAN

2 RAJKUMAR

3 KUMAR

... PETITIONERS / ACCUSED Nos. 3 to 5

Vs

**THE INSPECTOR OF POLICE
LALAPETTAI POLICE STATION,
KARUR DISTRICT.
CRIME NO.3/2024.**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.ARUNRAJ, 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 CRIME NO.3/2024 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.532 of 2024

the alleged offence under Section 379 IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.3 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported three units of river sand using lorry.

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 submit that the petitioners, without prejudice to their rights, are ready to pay a sum of Rs.60,000/- (Rupees Sixty Thousand only) jointly, to construct a toilet to the Panchayat Union Middle School, Ayithampatti Village, M.Pudupatti Post, Musiri Taluk, Trichy 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 the petitioners had transported three units of river sand illegally and that the first and third petitioners



CRL OP(MD) No.532 of 2024

have one previous case and the second petitioner has two previous cases.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing for the petitioners that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.60,000/- jointly to construct a toilet for a Government School, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kulithalai, 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) 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;



CRL OP(MD) No.532 of 2024

WEB COPY

(b) since the petitioners on their own volition, undertake to construct a toilet to the Panchayat Union Middle School, Ayithampatti Village, M.Pudupatti Post, Musiri Taluk, Trichy District, by paying a sum of Rs.60,000/- (Rupees Sixty Thousand only), a toilet to the said school shall be constructed, within a period of six weeks from the date of receipt of copy of this order. The Headmaster of the said 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 petitioners 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 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



CRL OP(MD) No.532 of 2024

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/-
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.I
KULITHALAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
LALAPETTAI POLICE STATION,
KARUR DISTRICT.



CRL OP(MD) No.532 of 2024

WEB COPY

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

COPY TO

THE HEAD MASTER
PANCHAYAT UNION MIDDLE SCHOOL, AYITHAMPATTI
VILLAGE, M.PUDHUPPATTI POST, MUSIRI TALUK,
TRICHY DISTRICT.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-595[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.532 of 2024
Date :11/01/2024

PKP/DD/SAR /23.01.2024/ 6P/ 7C

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