



CRL OP(MD) No.528 of 2024

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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.528 of 2024

1 AZHAGURAJA

2 BOOBALAN

... PETITIONERS/ ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.11 OF 2024)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.DHILIPAN PANDIAN.R.L. Advocate

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

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.11 OF 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
the alleged offence under Section 379 IPC and Section 21(4) of Mines and Minerals



CRL OP(MD) No.528 of 2024

(Development and Regulation) Act, 1957 in Cr.No.11 of 2024, seek anticipatory bail.

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2.The case of the prosecution is that the petitioners have illegally transported 1/4 unit of river sand by using Bullock Cart.

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 deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) jointly, to the High Court Environmental Committee 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 1/4 unit of river sand illegally and seven previous cases are pending against the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are ready to deposit some amount to the High Court Environmental Committee, 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



CRL OP(MD) No.528 of 2024

WEB COPY

of a copy of this order, before the learned Judicial Magistrate, Papanasam, Thanjavur District, 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;

(b) the petitioners shall make a non refundable deposit of Rs.35,000/- (Rupees Thirty Five Thousand only) jointly, to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)], without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(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;



CRL OP(MD) No.528 of 2024

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

(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/-
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.



CRL OP(MD) No.528 of 2024

SSB

TO

1 THE JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.

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

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

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

COPY TO:

THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-623[I] dated 11/01/2024)

ORDER

IN

CRL OP(MD) No.528 of 2024

Date :11/01/2024

SA/DD/SAR. /23.01.2024/5P/7C

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