



CRL OP(MD) No.592 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.592 of 2024

SOMASUNDARAM @ SOMU

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.553 OF 2023.)

... Respondent / Complainant

For Petitioner : M/s.K.M.Karunakaran, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl. Side)

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.553 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.



CRL OP(MD) No.592 of 2024

ORDER: The Court Made the following order :-

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The petitioner / Accused, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 379 IPC r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.553 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was involved in illegal transportation of 3 ½ units of river sand using tipper lorry.

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 construct a toilet for the benefit of the Girl students studying in the Government Higher Secondary School, Unjiyaviduthi Village, Orathanadu Taluk, Thanjavur District.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation is pending and the vehicle involved in this case was seized by the respondent police. Further, seven previous cases are pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing for the



CRL OP(MD) No.592 of 2024

petitioners that the petitioner, without prejudice to his rights, is ready to construct a toilet to the Government Higher Secondary School, Unjiyaviduthi Village, Orathanadu Taluk, Thanjavur District, 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 District Munsif cum Judicial Magistrate, Thiruvudaimaruthur, 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 is failed to surrender before the concerned Magistrate within a period of eight weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) (i) the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) by way of Demand Draft in favour of the Headmaster/Headmistress, Government Higher Secondary School, Unjiyaviduthi Village, Orathanadu Taluk, Thanjavur District, for making toilet facility to the welfare of the girls students.



CRL OP(MD) No.592 of 2024

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(ii) the Headmaster/Headmistress of the above said school is directed to carryout the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the Registry, Madurai Bench of Madras High Court, Madurai and the concerned Judicial Magistrate, within a period of eight weeks.

(iii) the petitioner shall make the above deposit before the execution of the sureties.

(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 as and when required for interrogation;

(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



CRL OP(MD) No.592 of 2024

learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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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

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

INDU

To

- 1.The District Munsif cum Judicial Magistrate,
Thiruvidadaimaruthur.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD) No.592 of 2024

Copy to:

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The Headmaster / Headmistress,
Government Higher Secondary School,
Unjiyaviduthi Village,
Orathanadu Taluk,
Thanjavur District.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-574[I] dated 11/01/2024)

ORDER

IN

CRL OP(MD) No.592 of 2024

Date :11/01/2024

ED/ VR /SAR- (29/01/2024) 6P / 7C

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