



CRL OP(MD) No.677 of 2024

WEB COPY

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

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.677 of 2024

1 SARAVANAN

2 SIVA

... Petitioners / Accused Rank not known

Vs

THE SUB INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT,
(CRIME NO.399/2023)

... Respondent / Complainant

For Petitioners : M/s.P.Ganapathi Subramanian, Advocate

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

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.399/2023 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 punishable under Section 379 IPC r/w Section 21(1) of the



CRL OP(MD) No.677 of 2024

Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.399 of 2023, seek anticipatory bail.

WEB COPY

2.The case of the prosecution is that the petitioners were involved in illegal transportation of four sacks of sand.

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.5,000/- to the credit of High Court Environmental Committee. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the petitioners were involved in illegal transportation of 4 sacks of sand.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are ready and willing to deposit a sum of Rs.5,000/- 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.677 of 2024

WEB COPY

of a copy of this order, before the learned Judicial Magistrate No.III, Trichy, 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 are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) 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 concerned 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;

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



CRL OP(MD) No.677 of 2024

WEB COPY

(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/-
12/01/2024

/ TRUE COPY /

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

GNS

To

1.The Judicial Magistrate No.III,
Trichy.



CRL OP(MD) No.677 of 2024

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Sub Inspector of Police,
Samayapuram Police Station,
Trichy 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.

ORDER
IN
CRL OP(MD) No.677 of 2024
Date :12/01/2024

ED/ JGB /SAR- (24/01/2024) 5P / 6C

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