



CRL OP(MD) No.1068 of 2024

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

Wednesday, the Twenty Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1068 of 2024

MICHAEL @ MICHAEL RAJ

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.157 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.PALANISAMY Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.157 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.2, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section 379 of I.P.C., and



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Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.157 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused were involved in illegal transportation of **half unit of river sand**.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that A1 was already granted anticipatory bail by this Court in Crl.OP (MD)No.22345 of 2023 on 04.01.2023. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the Government Higher Secondary School, Meiyanthupatti, for the welfare of the students studying in the school and hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant bail stating that the petitioner was involved in illegal transportation of ½ unit of river sand and he is having 4 previous cases. However, he fairly conceded that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.25,000/- to the Government Higher Secondary School,



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Meiyanuthupatti, for the welfare of the students studying in the school and A1 was already granted anticipatory bail by this Court, this Court may consider this petition.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is ready and willing to deposit a sum of Rs.25,000/- to the Government Higher Secondary School, Meiyanuthupatti and co-accused was released on anticipatory bail by this Court, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner 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 **District Munsif cum Judicial Magistrate Court, Peraiyur**, 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 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five



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Thousand only) to the Headmaster, Government Higher Secondary School, Meiyanthupatti, for making Bureau and Bench facilities for the welfare of the student by way of Demand Draft, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(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 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 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/-
24/01/2024

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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 CUM
JUDICIAL MAGISTRATE,PERAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
MEIYANUTHUPATTI

+1 CC to M/s.T.PALANISAMY, Advocate (SR-1108[I] dated 29/01/2024)



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ORDER
IN
CRL OP(MD) No.1068 of 2024
Date :24/01/2024

SS/JGB/SAR- /31/01/2024/6P/7C

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