



CRL OP(MD) No.1077 of 2024

WEB COPY

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.1077 of 2024

1 V. SHANMUGAIYA

2 N.MARIYAPPAN ... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE  
ACHANPUDHUR POLICE STATION  
TENKASI DISTRICT.  
CR.NO.27/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.DINESH.K 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 CR.NO.27/2023 ON THE FILE OF THE  
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/Accused Rank Not Known, who apprehend arrest at the



CRL OP(MD) No.1077 of 2024

hands of the respondent police for the alleged offence under Section 379 of IPC, in Cr.No.27 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in illegal transportation  $\frac{1}{2}$  unit of river sand. Hence, the case.

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 further submitted that the petitioners, without prejudice to their rights, is ready to deposit a sum of Rs.10,000/- to the High Court Environmental Committee and hence, he prays for grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant anticipatory bail stating that the petitioners and other accused were involved in illegal transportation of  $\frac{1}{2}$  unit of river sand. However, the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.10,000/- to the High Court Environmental Committee, this Court may consider this petition.

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.10,000/- to the High Court Environmental Committee, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.



**CRL OP(MD) No.1077 of 2024**

WEB COPY

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 Court, Shenkottai**, 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.10,000/- (Rupees Ten 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 his 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



CRL OP(MD) No.1077 of 2024

Bank pass Book to ensure their identity;

WEB COPY

(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 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/-

24/01/2024

/ TRUE COPY /

/02/2024

Sub-Assistant Registrar

( C.S. I / II / III / IV )

Madurai Bench of Madras High Court,

Madurai - 625 023.

DSS



CRL OP(MD) No.1077 of 2024

TO  
WEB COPY

- 1 THE JUDICIAL MAGISTRATE  
SHENKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE  
ACHANPUDHUR POLICE STATION TENKASI 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.1077 of 2024

Date :24/01/2024

SS/JGB/SAR- /01/02/2024/5P/6C

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