



CRL OP(MD). No.1147 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Anwar @ Anwar Raja @ Chinnasamy,

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Saptur Police Station,
Madurai District.
Crime No.190/2023.

... Respondent/Complainant

For Petitioner : M/s. Anandha Rajagopal.S,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.190/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on



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27.12.2023 for the offences punishable under Section 379 of IPC and Section 21(5) of Mines and Minerals (Development and Regulation) Act, in Crime No.190 of 2023, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused were illegally quarrying red soil. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is in judicial custody since 27.12.2023. However, on instructions, he would further submit that the petitioner, on his own volition, is ready to deposit Rs.2,00,000/- to the Panchayat Union Middle School, K.Nattapatti, Chellampatti Block, Usilampatti Taluk, Valandur Post, Madurai District, for making toilet facility to the welfare of the students. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is having 13 previous cases and hence, he opposed to grant bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit Rs.2,00,000/- to the Panchayat Union Middle School, K.Nattapatti, Chellampatti Block, Usilampatti Taluk, Valandur Post, Madurai District , for making toilet facility to the welfare of the students, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Peraiyur, and on further conditions that:

(a) After coming out on bail, the petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) by way of demand draft drawn in favour of the Headmaster, Panchayat Union Middle School, K.Nattapatti, Chellampatti Block, Usilampatti Taluk, Valandur Post, Madurai District for making toilet facility to the welfare of the student and submit the proof of payment of the said amount before the concerned Court, within a period of two weeks, failing which, the bail already granted shall stand vacated automatically;



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(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section
229-A IPC.

sd/-
30/01/2024

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30/01/2024

Sub-Assistant Registrar (Liasoning)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE, PERAIYUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE OFFICER IN CHARGE, SUB JAIL, MADURAI.
4. THE INSPECTOR OF POLICE,
SAPTUR POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMASTER,
PANCHAYAT UNION MIDDLE SCHOOL, K.NATTAPATTI,
CHELLAMPATTI BLOCK, USILAMPATTI TALUK,
VALANDUR POST, MADURAI DISTRICT



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+1st CC to M/s.S.ANANDHA RAJAGOPAL, Advocate (SR-1126[I] dated 30/01/2024)

ORDER
IN
CRL OP(MD) No.1147 of 2024
Date :30/01/2024

RK/SKN (30/01/2024) 6P / 8C

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