



CRL OP(MD) No.1198 of 2024

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.1198 of 2024

A.DHURAI

... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
PONNMARAVATHY POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.5 OF 2024.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.NA.PALANIYANDI, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.5 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Cr.No.5 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 2 ½ unit of river sand. Hence, the case.



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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, on his own volition, is ready and willing to deposit a sum of Rs.1,00,000/- each to the Raniyar Government Girls Higher Secondary School, Pudukkottai District and the Government Girls Higher Secondary School, Pon-Pudhupatti, Pudukkottai District for the welfare of the girl 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 would submit that the petitioner is having five previous cases, out of which, three cases are similar in nature and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- each to the Raniyar Government Girls Higher Secondary School, Pudukkottai District and the Government Girls Higher Secondary School, Pon-Pudhupatti, Pudukkottai District, 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



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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 at Ponnamaravathy, Pudukkottai District, 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.1,00,000/- (Rupees One Lakh only) each to the Headmistress, Raniyar Government Girls Higher Secondary School, Pudukkottai District and the Headmistress, Government Girls Higher Secondary School, Pon-Pudhupatti, Pudukkottai District, by way of Demand Drafts, without prejudice to his defence before the trial Court and submit the proof of payments of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challans/ receipts/acknowledgements, shall accept the sureties furnished by the petitioner;

(c)the sureties shall affix their photographs and left thumb impression in the



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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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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;

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

sd/-
29/01/2024

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/02/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PONNAMARAVATHY, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
PONNAMARAVATHY POLICE STATION, PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1 THE HEADMISTRESS,
RANIYAR GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
PUDUKKOTTAI DISTRICT.

2 THE HEADMISTRESS,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
PON-PUDHUPATTI, PUDUKKOTTAI DISTRICT.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-1102[I] dated 29/01/2024)

ORDER

IN

CRL OP(MD) No.1198 of 2024

Date :29/01/2024

RS/JGB/SAR-(01.02.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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