



CRL OP(MD) No.1233 of 2024

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

Wednesday, the Thirty First day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1233 of 2024

MALAISAMY @ MALAISAMI ... PETITIONER/ACCUSED RANK 2

Vs

THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.21/2024

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.DHILIPAN PANDIAN.R.L. Advocate

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

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

PRAYER:- FOR ANTICIPATORY BAIL IN CR.NO.21/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/rank not known, who apprehends arrest at the hands of the
respondent police for the alleged offence under Section 379 of IPC r/w 21(1) of

<https://www.mhc.tn.gov.in/judis> Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.21 of 2024,



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seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner was involved in illegal transportation of $\frac{1}{4}$ unit of river sand. Hence, present case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, the petitioner, without prejudice to his rights, is ready to deposit a sum Rs.1,00,000/- (Rupees One Lakh only) to the welfare of the girl students in any school. Hence, they prayed for the anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is having 11 previous cases. Among them, 3 cases are similar in nature. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the quantity of the sand transported by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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



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a copy of this order, before the the Judicial Magistrate Court No.II, Thanjavur, Thanjavur District, on condition that the petitioner 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) the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b)(i) as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft in favour of the Headmaster/Headmistress, Government Girls Higher Secondary School, Mariyammankovil, Punnainallur, Thanjavur, for making toilet facility to the welfare of the girl student within a period of two weeks from the date of receipt of a copy of this order.

(ii) the Headmaster/Headmistress of the above said school is directed to carry out the welfare works as mentioned above in their



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school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned learned Judicial Magistrate and the Registrar, Madurai Bench of Madras High Court, Madurai.”

(iii) the petitioner shall make the above deposit before the execution of the sureties.

(c) the sureties shall affix his 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 his identity;

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

(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



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himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.

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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/-

31/01/2024

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/02/2024

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

DSS

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

THE HEADMASTER/HEADMISTRESS,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
MARIYAMMANKOVIL, PUNNAINALLUR, THANJAVUR



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+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-1255[I] dated 31/01/2024)

ORDER
IN
CRL OP(MD) No.1233 of 2024
Date :31/01/2024

SA/VR/SAR. /06.02.2024/6P/7C

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