



CRL OP(MD) No.1277 of 2024

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1277 of 2024

GANESAMOORTHY

... PETITIONER / SOLE ACCUSED

Vs

THE SUB INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION,
SEEVALAPERI,
TIRUNELVELI DISTRICT.
CRIME NO.44/2024.

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.K.MUTHURAKKAN, Advocate

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

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.44/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for

the alleged offence under Sections 379 IPC, in Crime No.44 of 2024, seeks anticipatory

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bail.
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2.The case of the prosecution is that the petitioner was found in illegal transportation of 1/2 unit of odai sand using mini lorry. Hence, the case.

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 further submitted that the petitioner, without prejudice to his rights, is ready to deposit the amount a sum of Rs.10,000/- (Rupees Ten Thousand only) to the High Court Environmental Committee and hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the petitioner had transported 1/2 unit of odai sand illegally and the said vehicle involved was seized by the respondent police and the investigation is going on. Further, he would submit that three previous cases are pending against the petitioner, which are not in similar nature.

5.In view of the rehabilitation undertaken by the State Government under the Tamil Nadu District Mineral Foundation Rules, 2017, and in order to curb the illegal sand mining activities and also considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand



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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 rights and contentions.

6.It is made clear that the deposit of the amount by the petitioner would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of anticipatory bail.

7.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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 learned Judicial Magistrate No.III, Tirunelveli, Tirunelveli 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

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stand automatically cancelled;

(b)the petitioner shall make a non refundable deposit 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 learned Judicial Magistrate, after perusing the challan/receipt, 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 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

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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/-
30/01/2024

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

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION,
SEEVALAPERI,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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COPY TO

THE SECTION OFFICER,(ENVIRONMENTAL COMMITTEE)
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-1140[I] dated 30/01/2024)

ORDER

IN

CRL OP(MD) No.1277 of 2024

Date :30/01/2024

PKP/GS/SAR /01.02.2024/ 6P/7C

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