



CRL OP(MD) No.1607 of 2024

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

Friday, the Second day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1607 of 2024

KALIDOSS ... Petitioner / Petitioner / Sole Accused

Vs

THE SUB INSPECTOR OF POLICE
VILLOOR POLICE STATION,
VILLOOR, MADURAI DISTRICT,
(CRIME NO.46/2022)

... Respondent / Respondent / Complainant

For Petitioner : M/s.S.Jeyakumar, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.46/2022 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 r/w Sections 4(1)(1A), 21(1) of Mines
and Minerals (Development and Regulation) Act, 1957 in Crime No.46 of 2022, seeks



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anticipatory bail.

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2.The case of the prosecution is that there was a JCB vehicle standing nearby the Allangulam Kanmai for more than ten days and by looking at Kanmai, the respondent Police found that some sand had been got stolen by someone and the JCB would be the cause for the illegal sand theft. The said JCB vehicle belongs to the petitioner. Hence, the case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. There is no recovery made from the petitioner and no specific allegation is made against the petitioner. This is the fifth anticipatory bail application. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to deposit for a sum of Rs.50,000/- to the Navalar Somasundarar Girls Higher Secondary School, Palanganatham, Madurai, for providing facility to the Girl students.

4.The learned Government Advocate (Crl.Side) submitted that the one previous case is pending against the petitioner in similar nature and the said vehicle involved in this case was seized by the respondent Police and the investigation is going on. The earlier anticipatory bail applications filed by this petitioner were dismissed on considering the bad antecedent of the petitioner. Hence, he



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vehemently opposed to grant anticipatory bail to the petitioner.

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5.Considering the facts and circumstances of the case, 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 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, Peraiyur, Madurai 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) (i) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) by way of Demand Draft in favour of the Headmaster/Headmistress, Navalar Somasundarar Girls Higher Secondary School, Palanganatham, Madurai, for providing facility to the girls students.

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



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deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the Registry, Madurai Bench of Madras High Court, Madurai and the concerned Judicial Magistrate, within a period of eight weeks.

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

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

sd/-
02/02/2024

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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,
Peraiyur, Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Sub Inspector of Police,
Villoor Police Station,
Villoor, Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Headmaster / Headmistress,
Navalar Somasundarar Girls Higher Secondary School,
Palanganatham, Madurai.

+1 CC to M/s.S.JEYAKUMAR, Advocate (SR-1427[I] dated 05/02/2024)



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ORDER
IN
CRL OP(MD) No.1607 of 2024
Date :02/02/2024

ED/ VR /SAR- (07/02/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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