



CRL OP(MD) No.1397 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.1397 of 2024

MUTHUSAMY @ JAISANKAR

... PETITIONER / ACCUSED No.3

Vs

THE INSPECTOR OF POLICE
KARAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.12 OF 2024.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.GANAPATHI SUBRAMANIAN Advocate

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

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.12 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A3, 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.12 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner and other accused were involved in illegal transportation of 3 units of river sand. 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, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of **Rs.50,000/-** for the welfare of the patients in the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai.

4. The learned Government Advocate (Crl.Side) submitted that the investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner has no previous antecedent and he is ready to deposit some amount to the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai, 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 a copy of this order, before the Judicial Magistrate Court, Ponnamaravathy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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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 shall make a non-refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only) to the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai, by way of Demand Draft**, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, 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 as and when required for interrogation;



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(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/-
31/01/2024

/ TRUE COPY /

/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,
PONNAMARAVATHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.



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

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

COPY TO:
THE OFFICER INCHARGE,
GOVERNMENT REHABILITATION HOME FOR LEPROSY
KOTTAKAI MEDU,
Y.PUDUPATTI, ARUMBANOOR POST,
MADURAI.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-1378[I] dated
02/02/2024)

ORDER
IN
CRL OP(MD) No.1397 of 2024
Date :31/01/2024

SS/JGB/SAR- /05/02/2024/5P/7C

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