



CRL OP(MD) No.1832 of 2024

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

Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1832 of 2024

1 SELVAM @ ARUMUGAM

2 HARIHARAN

... PETITIONERS/ ACCUSED NOS.1&2

Vs

THE INSPECTOR OF POLICE
PERVURANI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.18 OF 2024.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.BHARATHI.C, 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.18 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent
police for the alleged offence punishable under Sections 379 of I.P.C. r/w Section 21

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(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.18 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein, without any prior permission, have taken sand from the Government promboke land. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.10,000/- to the credit of Peravurani Bar Association. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation in this case is not yet completed.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their 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, Peravurani on condition that the petitioners 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) as per the undertaking given by the petitioners, the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Peravurani Bar Association [Account No.5354284801; MICR Code: 613016004, CIF No: 85614804, IFSC Code: CBIN028211, Central Bank of India, Peravurani Branch], without prejudice to their defence before the trial Court and the concerned Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(b) if the petitioners 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;



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(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 petitioners shall report before the respondent police as and when required;

(e)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners 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/-
07/02/2024

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/02/2024

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

GNS

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAVURANI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

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

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

COPY TO

THE OFFICER IN CHARGE,
PERAVURANI BAR ASSOCIATION ,THANJAVUR.

ORDER
IN

CRL OP(MD) No.1832 of 2024
Date :07/02/2024

RK/DD (13/02/2024) 5P / 6C

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