



CRL OP(MD) No.1916 of 2024

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

Tuesday, the Thirteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1916 of 2024

1 K MAHARAJA

2 K KARUPPASAMY

3 J PACKIYARAJ

... PETITIONERS / ACCUSED RANK 3,4 AND 5

Vs

THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.189 OF 2023)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.VISHNU.J, 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.189 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.3, 4 and 5, who apprehend arrest at the



CRL OP(MD) No.1916 of 2024

hands of the respondent police for the alleged offence punishable under 379 of I.P.C. r/w 21(1), 4(1)(1A) of the Mines and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of TNPPDL Act, 1992 in Crime No.189 of 2023 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported sand. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners 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.30,000/- to the Panchayat Union School, Saruthupatti, Theni District for the welfare of the students studying in the School.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that previous cases are pending against the petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

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



CRL OP(MD) No.1916 of 2024

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6. Accordingly, the petitioners are granted anticipatory bail and they 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, Peraiyur, Madurai District**, on condition that the petitioners 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).as per the undertaking given by the petitioners, the petitioners shall jointly make a demand draft for a sum of Rs.30,000/- (Rupees Thirty Thousand only) in favour of the Headmaster, Panchayat Union School, Saruthupatti, Theni District and appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster of the said School and thereafter, sureties shall be accepted.

(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;

(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



CRL OP(MD) No.1916 of 2024

Bank pass Book to ensure their identity;

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(d).the petitioners shall report before the respondent police as and when required for interrogation;

(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;

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

sd/-

13/02/2024

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/02/2024

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

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CRL OP(MD) No.1916 of 2024

TO
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- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
- 3 THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE HEADMASTER,
PANCHAYAT UNION SCHOOL,
SARUTHUPATTI,
THENI DISTRICT

ORDER
IN
CRL OP(MD) No.1916 of 2024
Date :13/02/2024

SS/GS/SAR- /19/02/2024/5P/6C

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