



CRL OP(MD) No.1972 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1972 of 2024

1 ROBINSON

2 SAJITH

... Petitioners / Accused No.3 & 4

Vs

THE SUB INSPECTOR OF POLICE
KADALADI POLICE STATION,
KADALADI,
RAMANATHAPURAM DISTRICT.
(CRIME NO.8 OF 2024.)

... Respondent / Complainant

For Petitioners : M/s.N.Pragalathan, Advocate

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

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.8 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police
for the alleged offence under Sections 379 IPC r/w Section 21(1) of Mines and



CRL OP(MD) No.1972 of 2024

Minerals (Development and Regulation) Act, 1957 in Crime No.8 of 2024, seek anticipatory bail.

WEB COPY

2.The case of the prosecution is that the petitioners were involved in illegal transportation river sand using two lorries bearing registration Nos.TN 57 AA 3336 and TN 29 BZ 7071. Hence, the case.

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 instruction, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.2,00,000/- to two schools namely Government Higher Secondary School, Kadaladi and Government Higher Secondary School, Muthukulathur, for construction of toilets or purchasing books or providing other facilities to the students, 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 petitioners had transported sand using two lorries illegally and the said vehicles involved was seized by the respondent police and the investigation is going on.

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

6.Accordingly, the petitioners are ordered to be released on bail in the event of



CRL OP(MD) No.1972 of 2024

WEB COPY

arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kadaladi, Ramanathapuram District, 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)if the petitioners failed to surrender before the concerned Magistrate within a period of four weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)(i) as per the undertaking given by the petitioners, the 1st petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) through demand draft in favour of the Headmaster, Government Higher Secondary School, Kadaladi, Ramanathapuram District and the 2nd petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) through demand draft in favour of the Headmaster, Government Higher Secondary School, Muthukulathur, for construction of toilets or purchasing books or providing other facilities to the students, without prejudice to their defence before the trial Court and the learned



CRL OP(MD) No.1972 of 2024

WEB COPY

Judicial Magistrate, after perusing the challans/receipts, shall accept the sureties furnished by the petitioners;

(ii) the Headmaster/Headmistress of the above said schools are directed to carryout the welfare works as mentioned above in their school using the above said 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 four weeks.

(iii) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m, for a period of two weeks and thereafter, 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



CRL OP(MD) No.1972 of 2024

trial;
WEB COPY

(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/-
09/02/2024

/ TRUE COPY /

/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,
Kadaladi, Ramanathapuram District.

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



CRL OP(MD) No.1972 of 2024

3.The Sub Inspector of Police,
Kadaladi Police Station,
Kadaladi, Ramanathapuram District.

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

Copy to:

1.The Headmaster,
Government Higher Secondary School,
Kadaladi, Ramanathapuram District.

2.The Headmaster,
Government Higher Secondary School,
Muthukulathur.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-1653[I] dated 09/02/2024)

ORDER

IN

CRL OP(MD) No.1972 of 2024

Date :09/02/2024

ED/ JGB /SAR- (16/02/2024) 6P / 8C

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