



CRL OP(MD) No.2015 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2015 of 2024

RAMAR

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.27 OF 2024)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.LENINKUMAR Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.27 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections 379 IPC r/w

<https://www.nhmc.tn.gov.in/judis>



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Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.27 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported gravel sand without obtaining any valid permit. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs) to the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District and hence, he prays for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that no previous case is pending against the petitioner. He would further submit that the Seigniorage fee and cost of mineral were worth about Rs.12,00,000/-

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

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of



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fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar 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) as per the undertaking given by the petitioner, the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in the name of the President, Narasingam Panchayat [Account No.10111536134; MICR Code: 625002008, CIF No: 80080760562, IFSC Code: SBIN0002246, Othakadai Branch, Madurai (2246)], for restoration of Kanmai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(ii) the President of Narasingam Panchayat, B.D.O, Madurai East Panchayat Union and P.W.D (A.E), Madurai East Circle, Madurai, are directed to carryout the restoration works as mentioned above in the Kanmai around Othakadai and



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Narasingham areas in Madurai using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned trial Court and the Registrar, Madurai Bench of Madras High Court, Madurai, within a period of eight weeks from the date of receipt of copy of this order. 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;

(c) the petitioner shall report before the respondent police for a period of two weeks at 10.30 A.M., and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

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

sd/-
20/02/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE REGISTRAR (JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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- 2 THE PRESIDENT
NARASINGAM PANCHAYAT, OTHAKADAI, MADURAI.
- 3 THE BLOCK DEVELOPMENT OFFICER
MADURAI EAST PANCHAYAT UNION, MADURAI.
- 4 THE ASSISTANT ENGINEER
PUBLIC WORKS DEPARTMENT, MADURAI EAST CIRCLE,
MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-2210[I] dated 22/02/2024)

ORDER
IN
CRL OP(MD) No.2015 of 2024
Date :20/02/2024

PKP/VR/SAR /23.02.2024/ 6P/ 10C

Madurai Bench of Madras High Court is issuing certified
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