



CRL OP(MD) No.2265 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2265 of 2024

VELRAJ

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE SUB INSPECTOR OF POLICE
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.259 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.JOTHI BASU, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.259 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for

the alleged offence under Section 379 of IPC and Section 21(4) of the Mines and

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



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Minerals (Development and Regulation) Act, in Crime No.18 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein along with other accused have illegally transported one unit of tank sand in a tractor bearing Reg.No.TN-67-BA-9532. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that this is the petitioner's second application for anticipatory bail and the earlier application for anticipatory bail before this Court in Crl.O.P.(MD)No.20745 of 2023 on the ground that the petitioner is having two previous cases are similar in nature. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- to the Seithur Sevugapandiya Government Girls Higher Secondary School, Rajapalayam for providing infrastructure facilities in the said school, and hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant bail stating that the petitioner along with other accused were found in illegal transportation of one unit of tank sand and the petitioner is having two previous case of similar in nature.

5.Considering the facts and circumstances of the case and also considering the amount of sand involved in this case, this court is inclined to grant anticipatory bail

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to the petitioner with certain conditions.

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 learned Judicial Magistrate Court, Rajapalayam, Virudhunagar District, 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 is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Headmaster, Seithur Sevugapandiya Government Girls Higher Secondary School, Rajapalayam, for providing infrastructure facilities in the said school, 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) After completion of work in the said school by using the above mentioned deposit amount, the Headmaster, Seithur Sevugapandiya Government Girls Higher



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Secondary School, Rajapalayam shall send a necessary proof along with photographs before the concerned trial Court as well as the Registrar, Madurai Bench of Madras High Court, Madurai, within a period of eight weeks.

(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;

(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;



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

sd/-
14/02/2024

/ TRUE COPY /

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMASTER,
SEITHUR SEVUGAPANDIYA GOVERNMENT GIRLS
HIGHER SECONDARY SCHOOL, RAJAPALAYAM.



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+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-1881[I] dated 14/02/2024)

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ORDER
IN

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Date :14/02/2024

PKP/VR/SAR /20.02.2024/ 6P/7C

Madurai Bench of Madras High Court is issuing certified
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