



CRL OP(MD) No.2218 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.2218 of 2024

1 PRAKASH

2 MANIKANDAN

... PETITIONERS / ACCUSED No.1 & 2

Vs

THE SUB INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT,
CRIME NO.37/2024

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P GANAPATHI SUBRAMANIAN, 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.37/2024 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 Section 379 IPC r/w Section 21(1) of Mines and



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Minerals (Development and Regulation) Act, 1957, in Cr.No.37 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were involved in illegal transportation of one unit of river sand by using bullock Cart.

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 pay a sum of Rs.20,000/- each, to the Panchayat Union Middle School, Thailanagar, Pudukkottai, and 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 have transported one unit of river sand illegally and also submitted that one previous case is pending against the 1st petitioner.

5.Considering the facts and circumstances of the case and also considering the quantity of the sand transported by the petitioners, 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 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 **Judicial Magistrate No.III, Trichy**, on



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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 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)as per the undertaking given by the petitioners, the petitioners are directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) each, to the Panchayat Union Middle School, Thailanagar, Pudukkottai, for renovation of toilet/ other facilities, without prejudice to their defence before the trial Court and the proof shall be produced before the concerned Judicial Magistrate, and the concerned Magistrate, after perusing the proof, shall accept the sureties furnished by the petitioners; The Headmaster of the said School shall utilize the same for renovation of toilet/ other facilities;

(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;



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(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 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 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;

(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.

SSB



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TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
SAMAYAPURAM POLICE STATION,
TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE PANCHAYAT UNION MIDDLE SCHOOL,
THAILANAGAR, PUDUKKOTTAI

ORDER
IN
CRL OP(MD) No.2218 of 2024
Date :13/02/2024

SS/GS/SAR- /16/02/2024/5P/6C

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