



CRL OP(MD) No.2243 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

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1 BALAJI

2 VEERANAN

... PETITIONERS / ACCUSED 3 & 4

Vs

THE INSPECTOR OF POLICE  
NATHAM POLICE STATION,  
DINDIGUL DISTRICT.  
CRIME NO.381 OF 2022.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.BALAJI 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.381 OF 2022 ON THE FILE  
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the  
respondent police for the alleged offence under Section 379 (Sand Theft), in Crime



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No.381 of 2022, on the file of the respondent police, seek anticipatory bail.

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2.The case of the prosecution is that the petitioners were involved in illegal transportation of one unit of red sand. 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 instructions, he further submitted that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.20,000/- to the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District and hence, he prays for grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant bail stating that the petitioners were in illegal transportation of one unit of red sand.

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 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, Natham, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten



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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)(i) as per the undertaking given by the petitioners, the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) jointly 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 their 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 Narasingam areas in Madurai using the above said deposit amounts and report the same with necessary proofs of



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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 a copy of this order.

(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 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;



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(h)if the accused thereafter abscond, a fresh FIR can be registered

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under Section 229-A IPC.

sd/-  
14/02/2024

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

SJI  
TO  
1 THE JUDICIAL MAGISTRATE,  
NATHAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE  
NATHAM POLICE STATION,  
DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:

1 THE SECTION OFFICER,  
CRIMINAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

2 THE PRESIDENT OF NARASINGAM PANCHAYAT,  
NARASINGAM, MADURAI.



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3 THE BLOCK DEVELOPMENT OFFICER,  
MADURAI EAST PANCHAYAT UNION, MADURAI.

4 THE PUBLIC WORKS DEPARTMENT(A.E),  
MADURAI EAST CIRCLE, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate ( SR-1876[I] dated 14/02/2024 )

ORDER IN  
CRL OP(MD) No.2243 of 2024  
Date :14/02/2024

SA/VR/SAR. /19.02.2024/6P/10C

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