



CRL OP(MD) No.2275 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.2275 of 2024

MAHARAJAN @ DURAIAPPA

... PETITIONER/ACCUSED NO.1

Vs

THE SUB INSPECTOR OF POLICE
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.65 OF 2024.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SUNDARAPANDIAN, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.65 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 of IPC, in Crime No.65 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused had illegally transported 20 bags of river sand in a tractor, viz., Swaraj 735 XM. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the



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petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is 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 petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant bail stating that the petitioner and other accused were in illegal transportation of 20 bags of river sand and the petitioner is having seven previous cases, out of which, one case is similar in nature and other cases were registered under the IPC offence.

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 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 No.V, Tirunelveli 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



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the learned Magistrate concerned and on further condition that:

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(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) 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 Narasingam 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 a copy of this order.



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(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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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;

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



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TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

COPY TO

1 THE PRESIDENT, NARASINGAM PANCHAYAT,
NARASINGAM, OTHAKADAI, MADURAI.

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

3 THE ASSISTANT ENGINEER, PUBLIC WORKS DEPARTMENT,
MADURAI EAST CIRCLE, MADURAI.

+1 CC to M/s.S.SUNDARAPANDIAN, Advocate (SR-1900[I] dated 15/02/2024)

ORDER IN

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Date :14/02/2024

RS/VR/SAR-(20.02.2024) 5P 9C

Madurai Bench of Madras High Court is issuing
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