



CRL OP(MD) No.2643 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.2643 of 2024

KARUPPASAMY

... Petitioner / Accused No.2

Vs

INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.6 OF 2024)

... Respondent / Complainant

For Petitioner : M/s.N.Mariappan, 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.6 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Accused No.2, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections 379 IPC r/w
Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in
Crime No.6 of 2024, on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner has illegally transported 1/2 unit of river 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.5,000/- (Rupees Five Thousand only) to the Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai, for the welfare of the girl students studying in the School and hence, he prays for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that one previous case is pending against the petitioner.

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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sattur on condition that the petitioner shall



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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) as per the undertaking given by the petitioner, the petitioner shall make a Demand Draft for a sum of Rs.5,000/- (Rupees Five Thousand only) in favour of the Headmaster, Government Model Girls Higher Secondary School, Ulaganeri, Y.Othakadai, Madurai and and appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster of the said School and thereafter, sureties shall be accepted

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or



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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;

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

sd/-
20/02/2024

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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

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1.The Judicial Magistrate No.II,
Sattur.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Sattur Taluk Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Headmaster,
Government Model Girls Higher Secondary School,
Ulaganeri, Y.Othakadai,
Madurai.

+1 CC to M/s.N.MARIAPPAN, Advocate (SR-2162[I] dated 21/02/2024)

ORDER

IN

CRL OP(MD) No.2643 of 2024

Date :20/02/2024

ED/ GS /SAR- (23/02/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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