



CRL OP(MD) No.2734 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2734 of 2024

MURUGESAN

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
PUTHIYAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.104 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.KEVINKARAN 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.104 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section 379 of I.P.C. and
Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, in



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Crime No.104 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner illegally taken sand in the defacto complainant's land. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he would fairly submit that the petitioner, without prejudice to his rights and contention before the Court below, is ready to deposit a sum of Rs.50,000/- to the Public Middle School, P.M.Thevar Kalani, Thoothukudi Town, Thoothukudi District, for the welfare of the students.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that investigation in this case is not yet completed.

5.Considering the facts and circumstances of the 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 District Munsif cum Judicial Magistrate, Ottapidaram 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



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the satisfaction of the learned Magistrate concerned and on further condition that:

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(a) as per the undertaking given by the petitioner, the petitioner shall make a Demand Draft for a sum of Rs.50,000/- (Rupees Fifty Thousand only) in favour of the Headmaster, Public Middle School, P.M.Thevar Kalani, Thoothukudi Town, Thoothukudi District and the petitioner is further directed to produce the copy of the Demand Draft at the time of execution of sureties before the concerned learned Judicial Magistrate and thereafter, sureties shall be accepted;

(b) 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;

(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;

(d) the petitioner shall not tamper with evidence or 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



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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;

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

sd/-
21/02/2024

/ TRUE COPY /

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

GNS
TO
1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, OTTAPIDARAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI.

3 THE INSPECTOR OF POLICE
PUTHIYAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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



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COPY TO:

THE HEADMASTER,
PUBLIC MIDDLE SCHOOL,
P.M.THEVAR KALANI,
THOOTHUKUDI TOWN,
THOOTHUKUDI DISTRICT

+1 CC to M/s.K.KEVIN KARAN, Advocate (SR-2285[I] dated 23/02/2024)

ORDER
IN
CRL OP(MD) No.2734 of 2024
Date :21/02/2024

SA/GS/SAR. /28.02.2024/5P/7C

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