



CRL OP(MD) No.2795 of 2024

WEB COPY

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

Thursday, the Twenty Second day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2795 of 2024

1 SAKTHIVEL

2 MATHAVAN

... Petitioners / Accused Rank not known

Vs

THE INSPECTOR OF POLICE
KALLAPERAMBUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.37 OF 2024.)

... Respondent / Complainant

For Petitioners : M/s.K.M.Karunakaran, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.37 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/Accused Rank Not Known, who apprehend arrest at the
hands of the respondent police for the alleged offence under Section 379 of IPC and



CRL OP(MD) No.2795 of 2024

Section 21(1) of Mines and Minerals (Development and Regulations) Act, in Crime

WEB COPY

No.37 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in illegal transportation of on 1 unit of river 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.50,000/- 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 would submit that the petitioners were in illegal transportation of one 1 unit of river sand of river sand. The first petitioner is having 1 previous case and the second petitioner is having 6 previous cases. Out of which, 4 cases are similar in nature. Hence, he vehemently, opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the quantity 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



CRL OP(MD) No.2795 of 2024

WEB COPY

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.3, Thanjavur, on 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)(i) as per the undertaking given by the petitioners, the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty 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



CRL OP(MD) No.2795 of 2024

WEB COPY

Panchayat Union and P.W.D (A.E), Madurai East Circle, Madurai, is 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.

(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 daily at 10.30 a.m, for a period of 2 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



CRL OP(MD) No.2795 of 2024

WEB COPY

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;

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

sd/-
22/02/2024

/ TRUE COPY /

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

DSS

To

- 1.The Judicial Magistrate No.III,
Thanjavur.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.



CRL OP(MD) No.2795 of 2024

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

Copy to:

1.The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

2.The President,
Narasingam Panchayat,
Y.Othakadai, Madurai.

3.The Block Development Officer,
Madurai East Panchayat Union, Madurai.

4.The Assistant Engineer,
Public Works Department,
Madurai East Circle, Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2257[I] dated 22/02/2024)

ORDER

IN

CRL OP(MD) No.2795 of 2024

Date :22/02/2024

ED/ VR /SAR- (29/02/2024) 6P / 10C

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