



CRL OP(MD) No.2799 of 2024

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

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2799 of 2024

S.KALIDOSS @ KALIDASAN

... PETITIONERS/ ACCUSED RANK 8

Vs

THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.189 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.J.VISHNU, 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.189 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Section 379 IPC r/w Sections 21(1) and 4(1)(1A) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of TNPPDL Act, in Cr.No.189 of 2023, seek anticipatory bail.



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2.The case of the prosecution is that the petitioners and the other accused persons had illegally quarried the sand at Ayyanar Kovil Odai of Meiyaunthampatti Village and transported the same without prior permission. Hence, the complaint.

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 instruction, he would further submit that the petitioners, without prejudice to their rights, are ready to pay a sum of Rs.30,000/- jointly, to the Panchayat Union School, Saruthupatti, Theni District, for the welfare of the girl students and hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the quantity of the sand transported by the petitioners, 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 District Munsif cum Judicial Magistrate, Peraiyur, Madurai District, 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



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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)as per the undertaking given by the petitioners, the petitioners are directed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) jointly to the Panchayat Union School, Saruthupatti, Theni District, without prejudice to their defence before the trial Court and the proof shall be produced before the concerned Judicial Magistrate, and the concerned Magistrate, after perusing the proof, shall accept the sureties furnished by the petitioners; The Headmaster of the said School shall utilize the same for the welfare of the students studying in the School;

(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 two weeks and thereafter, as and when required for interrogation;

(e)the petitioners shall not tamper with evidence or witness either during



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investigation or trial;

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(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 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/-

01/03/2024

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

SSB

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, SAPTUR POLICE STATION, MADURAI DISTRICT.

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

<https://www.mmc.tn.gov.in/judis>



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THE HEADMASTER / HEADMISTRESS,
PANCHAYAT UNION SCHOOL, SARUTHUPATTI,
THENI DISTRICT.

ORDER

IN

CRL OP(MD) No.2799 of 2024

Date :01/03/2024

RS/VR/SAR-(07.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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