



CRL OP(MD) No.3001 of 2024

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

Tuesday, the Twenty Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3001 of 2024

1 BALU @ BALASUBRAMANI

2 MURUGANANTHAM

... PETITIONER / ACCUSED Nos. 2 & 3

Vs

THE INSPECTOR OF POLICE
TIRUCHULLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.35/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.MUNEESWARAN, 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.35 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-.

The petitioners/A2 and A3, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Section 379 of I.P.C. and

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



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Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.35 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons have illegally transported crusher dust without any transit permit. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Further, the co-accused was enlarged on anticipatory bail by this Court. However, on instruction, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.10,000/- each to the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District, hence, he prays to grant anticipatory bail to the petitioners.

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

5.Considering the facts and circumstances of the case and the co-accused was enlarged on anticipatory bail by this Court, 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,

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



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Thiruchuli, 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.10,000/- (Rupees Ten Thousand only) each 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 defence before the concerned trial Court and the concerned Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioners;

(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



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Narasingham 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.

(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 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 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;



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

sd/-
27/02/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUCHULI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
TIRUCHULLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 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.



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2 THE PRESIDENT
NARASINGAM PANCHAYAT, 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.B.MUNEESWARAN, Advocate (SR-2488[I] dated 28/02/2024)

ORDER
IN
CRL OP(MD) No.3001 of 2024
Date :27/02/2024

PKP/GS/SAR /11.03.2024/ 6P/ 10C

Madurai Bench of Madras High Court is issuing certified
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