



CRL OP(MD) No.3256 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.3256 of 2024

VANARAJA

... PETITIONER/ ACCUSED NO.7

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.PALANISAMY.T 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.189/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for
the alleged offence under Section 379 IPC r/w. Sections 4(1)(1-A) and 21(1) of Mines
and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of Tamil



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Nadu Public Property (Prevent of Damage and Loss) Act, 1992, in Crime No.189 of 2023, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner 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 case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.30,000/- for restoration of Kanmai situated around Othakadai and Narasingam areas in Madurai District. Hence, he prays for anticipatory bail.

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

5.Considering the facts and circumstances of the case and also the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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, Peraiyur, Madurai District, 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 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)(i) as per the undertaking given by the petitioner, the petitioner is directed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the name of the Narasingam Village Panchayat-225262 [Account No.7387086170; MICR Code: 600019053 CIF No: 03262384860, IFSC Code: IDBI000S004, Indian Bank, Saidapet Branch, Chennai] without prejudice to his defence before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;



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(ii) the President of Narasingam Panchayat, B.D.O, Madurai East Panchayat Union and P.W.D (A.E), Madurai East Circle, are directed to carry out the restoration works as mentioned above in 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner 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 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



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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/-
01/03/2024

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/03/2024

Sub-Assistant Registrar (CS- 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.

3.THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI 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,
NARASINGAM, Y.OTHAKKADI, MADURAI.

3.THE B.D.O,
MADURAI EAST PANCHAYAT UNION, MADURAI.

4.THE P.W.D (A.E),
MADURAI EAST CIRCLE, MADURAI.

+1 CC to M/s.T.PALANISAMY, Advocate (SR-2577[I] dated 01/03/2024)

ORDER

IN

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Date :01/03/2024

RK/VR(13/03/2024) 6P / 10C

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