



CRL OP(MD) No.3391 of 2024

WEB COPY

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

Monday, the Fourth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3391 of 2024

NISHANTH MANIKANDAN

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
VALLAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.343 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN, 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.343 OF 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



CRL OP(MD) No.3391 of 2024

the alleged offence under Sections 379 IPC, in Crime No.343 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal transportation of 5 units of gravel sand using tipper lorry. 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 deposit a sum of Rs.25,000/- to the Government Higher Secondary School, Arundavapuram, Thanjavur District, for construction or renovation of toilet. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the petitioner had transported 5 units of gravel sand illegally using tipper lorry and the said vehicles involved was seized by the respondent Police and the investigation is going on.

5.Considering the facts and circumstances of the case, this Court is inclined to



CRL OP(MD) No.3391 of 2024

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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur, 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 two weeks 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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) through demand draft in favour of the Headmaster, Government Higher Secondary School, Arundavapuram, Thanjavur District, for construction or renovation of toilets, without prejudice to his defence before the trial Court and the learned Judicial



CRL OP(MD) No.3391 of 2024

Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(ii) the Headmaster/Headmistress of the above said school is directed to carryout the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned Judicial Magistrate.

(iii) the petitioner shall make the above deposit before the execution of the sureties.

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



CRL OP(MD) No.3391 of 2024

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/-
04/03/2024

/ 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 NO.II
THANJAVUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
VALLAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD) No.3391 of 2024

COPY TO
WEB COPY

THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL,
ARUNDAVAPURAM, THANJAVUR DISTRICT.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2692[I] dated 04/03/2024)

ORDER
IN
CRL OP(MD) No.3391 of 2024
Date :04/03/2024

PKP/GS/SAR /13.03.2024/ 6P/ 7C

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