



CRL OP(MD) No.3415 of 2024

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

Wednesday, the Sixth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3415 of 2024

1 MATHILAGAN @ MATHIYALAGAN

2 PANNERSELVAM

... PETITIONERS / ACCUSED 2 & 3

Vs

THE INSPECTOR OF POLICE
ILLUPUR POLICE STATION,
PUDUKOTTAI DISTRICT.
CRIME NO. 47/2024

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.MAHENDRARAJAN.B., Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 47 OF 2024 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.2 and 3, who apprehend arrest at the
hands of the respondent police for the alleged offence punishable under 379 of I.P.C.

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



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r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957
in Crime No.47 of 2024, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported one unit of gravel sand. 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 instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.30,000/- to the Government Girls Higher Secondary School, Illuppur, Pudukottai District, for the welfare of the students studying in the School.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the first petitioner is having two previous cases and no previous cases are pending against the second petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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



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learned Judicial Magistrate, Illuppur, Pudukottai 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 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).as per the undertaking given by the petitioners, the first petitioner shall make a demand draft for a sum of Rs.20,000/- (Rupees Twenty Thousand only) and the second petitioner shall make a demand draft for a sum of Rs.10,000/- (Rupees Ten Thousand only) in favour of the Government Girls Higher Secondary School, Illuppur, Pudukkottai District and appropriate proof shall be sent to the concerned learned Judicial Magistrate by the Headmaster / Headmistress of the said School and thereafter, sureties shall be accepted.

(b).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;

(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



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required for interrogation;

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(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;

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

sd/-

06/03/2024

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/03/2024

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

TSG

TO

1 THE JUDICIAL MAGISTRATE,
ILLUPPUR, PUDUKOTTAI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
ILLUPPUR POLICE STATION,
PUDUKOTTAI DISTRICT.

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

COPY TO:

THE HEAD MASTER / HEAD MISTRESS,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
ILLUPPUR, PUDUKKOTAI DISTRICT

ORDER
IN

CRL OP(MD) No.3415 of 2024

Date :06/03/2024

SA/VR/SAR. /15.03.2024/5P/6C

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