



CRL OP(MD) No.3477 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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P SHANMUGADURAI

... Petitioner / Accused No.6

Vs

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

... Respondent / Complainant

For Petitioner : M/s.T.Palanisamy, Advocate

For Respondent : Mr.S.Manikandan,  
Government Advocate ( CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 439 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 petitioner/A6, who apprehends arrest at the hands of the respondent  
police for the alleged offence punishable under Section 379 of I.P.C. and Section 4(1)  
(1-A), 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 and 3



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(1) of TNPPDL Act, 1992 in Crime No.189 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that on 04.12.2023 the petitioner was found in illegal transportation of odai sand using tractors and trailer. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Further, co-accused was released on bail. 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 restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District, hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the petitioner and others were found in illegal transportation of 15 units of river sand. Further, one previous case is pending against the petitioner and the investigation is not yet completed.

5.Considering the facts and circumstances of the case and the co-accused was released on bail, this Court is inclined to 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 fifteen days from the date of receipt



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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 deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in the name of the Narasingam VP-225262, Madurai District, [Account No.7387086170 ; MICR Code:600019053, CIF No: 03262384860, IFSC Code: IDIB000S004, Saidapet], for restoration of Kanmai, without prejudice to his defence before the concerned trial Court and the concerned Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(ii) the President of Narasingam Panchayat, B.D.O, Madurai East Panchayat Union and P.W.D (A.E), Madurai East Circle, Madurai, are



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directed to carryout the restoration works as mentioned above in the 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.

(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, 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



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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/-  
05/03/2024

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

INDU

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.



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1.The Registrar (Judicial),  
Madurai Bench of Madras High Court, Madurai.

2.The President,  
Narasingam Panchayat,  
Y.Othakadai, Madurai District.

3.The Block Development Officer,  
Madurai East Panchayat Union,  
Madurai District.

4.The Assistant Engineer,  
Public Works Department,  
Madurai East Circle,  
Madurai District.

+1 CC to M/s.T.PALANISAMY, Advocate ( SR-2796[I] dated 06/03/2024 )

ORDER  
IN

CRL OP(MD) No.3477 of 2024  
Date :05/03/2024

ED/ GS /SAR- (13/03/2024) 6P / 10C

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