



CRL OP(MD) No.3482 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

CRL OP(MD) No.3482 of 2024

1 MUTHUMUNIYANDI

2 PASUMPON

3 TAMILSELVAM

... PETITIONERS / ACCUSED Nos. 1 to 3

Vs

THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

... 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. 65 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for

the alleged offence under Sections 379 IPC r/w Section 21(1) of Mines and Minerals

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



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(Development and Regulation) Act, 1957 in Crime No.65 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal transportation of one unit of sand using Dost vehicle bearing registration No.TN 75 0047 and two wheeler bearing Registration No.TN 58 BY 7112. Hence, the case.

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 instruction, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.1,10,000/- to the Government Girls Higher Secondary School, Pandhalkudi, Virudhunagar District, for construction or renovation of toilets, 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 petitioners had transported one unit of river sand illegally using Dost vehicle and the said vehicles involved was seized by the respondent police and the investigation is going on. Further, the first petitioner is having 4 previous cases, among which, one case is similar in nature and the second petitioner is having 12 previous cases, among which, one case is similar in nature and the third petitioner is having no previous cases.

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



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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, Thiruchuli, Virudhunagar 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 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 1st and 2nd petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each and the third petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) through demand draft in favour of the Government Girls Higher Secondary School, Pandhalkudi, Virudhunagar District, for construction or renovation of toilets, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by

the petitioner;

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(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 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;
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(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 JUDICIAL MAGISTRATE,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE HEADMASTER
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
PANDHALKUDI, VIRUDHUNAGAR DISTRICT.



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+1 CC to M/s.R.MUNEESWARAN, Advocate (SR-2745[I] dated 05/03/2024)

ORDER

IN

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Date :05/03/2024

PKP/GS/SAR /06.03.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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