



CRL OP(MD) No.3745 of 2024

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

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3745 of 2024

1 M.THANGAMNI

2 K.PAKKIR MOHAMMED

... PETITIONERS/ ACCUSED NO.2 & 3

Vs

THE INSPECTOR OF POLICE

SETHUBHAVACHATHIRAM POLICE STATION,

THANJAVUR DISTRICT.

CR.NO.40/2024

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.VENKATESHWAR, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.40/2024 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 Sections 379 IPC r/w Section 21(1) of Mines and Minerals
(Development and Regulation) Act, 1957 in Crime No.40 of 2024, seeks anticipatory



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2.The case of the prosecution is that the petitioner was found in illegal transportation of $\frac{3}{4}$ unit of river sand using bullock cart. 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.5,000/- to the Government Higher Secondary School, Cholapuram, 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 petitioner had transported $\frac{3}{4}$ unit of river sand illegally using bullock cart and the said bullock cart was seized by the respondent police and the investigation is going on. Further, no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case, 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 two weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Peravurani, Thanjavur District, on condition that the petitioner shall execute a bond



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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.5,000/- (Rupees Five Thousand only) through demand draft in favour of the Government Higher Secondary School, Cholapuram, Thanjavur 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;

(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.



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(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;

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

sd/-
08/03/2024

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



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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAVURANI,
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, SETHUBHAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
GOVERNMENT HIGHER SECONDARY SCHOOL,
CHOLAPURAM, THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.3745 of 2024

Date :08/03/2024

RS/JGB/SAR-(15.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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