



CRL OP(MD) No.3767 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.3767 of 2024

1 GANESAN

2 MANIMEHALAI

... PETITIONERS / ACCUSED No.1 AND 2

Vs

THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT.
CRIME NO 68/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.ARUNRAJ 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.68/2024 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



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for the alleged offence under Sections 379 IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.68 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in illegal transportation 2 units of sand using lorry bearing registration No.TN 56 C 3909. 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.50,000/- to **the Anganwadi Centre, Ayithampatti Vilage, M.Pudupatti Post, Musiri Taluk, Trichy District - 621 211,** for purchasing wooden furnitures and other utensils, 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 sand using 2 units of sand using lorry illegally and the said vehicles involved was seized by the respondent police and the investigation is going on. Further, no previous case is pending against the petitioners.



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

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the **learned District Munsif cum Judicial Magistrate, Thottiyam**, 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)if the petitioners 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 petitioners, the petitioners are directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) through demand draft in favour of the **Anganwadi Centre, Ayithampatti Vilage, M.Pudupatti Post, Musiri Taluk, Trichy District - 621 211**, for purchasing wooden



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furnitures and other utensils, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challans/receipts, shall accept the sureties furnished by the petitioners;

(ii) the Headmaster/Headmistress of the above said schools are 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 Registry, Madurai Bench of Madras High Court, Madurai and the concerned Judicial Magistrate, within a period of **two weeks**.

(iii) the petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;



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(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/-
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.

INDU

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THOTTIYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT.



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

COPY TO:
THE HEADMASTER/HEADMISTRESS,
ANGANWADI CENTRE,
AYITHAMPATTI VILAGE,
M.PUDUPATTI POST, MUSIRI TALUK,
TRICHY DISTRICT - 621 211

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-3025[I] dated 11/03/2024)

ORDER
IN
CRL OP(MD) No.3767 of 2024
Date :08/03/2024

SS/VR/SAR- /15/03/2024/6P/7C

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