



CRL OP(MD) No.4026 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Fourteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4026 of 2024

1 LAKSHMANAN

2 ASHOKAN

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
ATHIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.

CRIME NO. NOT KNOWN OF 2024 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S MUNIYANDI.S, 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. NOT KNOWN OF 2024 ON THE
FILE OF THE RESPONDENT POLICE.



CRL OP(MD) No.4026 of 2024

WEB COPY

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 r/w 511 IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No. Not Known of 2024, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners, without any permission, have taken sand. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Panchayath Union Primary School, Edakkudi, Puthutheru, for making toilet facility or for providing other facilities to the welfare of the girl students. Hence, he prays for grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that when the enquiry was pending, the petitioner filed the present petition and now, the respondent police is registered FIR in Cr.No.74 of 2024



CRL OP(MD) No.4026 of 2024

for the offences punishable under Sections 379 r/w 511 IPC and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1959.

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 learned Judicial Magistrate, Pattukkottai, 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 petitioners shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the Panchayath Union Primary School, Edakkudi, Puthutheru, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

Thereafter, the Headmaster of the School shall spend the amount for the welfare of

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



CRL OP(MD) No.4026 of 2024

the students and file necessary proof before the learned Magistrate;

(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 are directed to appear before the respondent police daily at 10.30 am., 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;

(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;



CRL OP(MD) No.4026 of 2024

WEB COPY

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

sd/-
14/03/2024

/ TRUE COPY /

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
ATHIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE HEADMASTER
PANCHAYAT UNION PRIMARY SCHOOL,
EDAKKUDI,
PUTHUTHERU.

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



CRL OP(MD) No.4026 of 2024

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-3237[I] dated 15/03/2024)

ORDER
IN

CRL OP(MD) No.4026 of 2024

Date :14/03/2024

PKP/GS/SAR /26.03.2024/ 6P/ 7C

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