



CRL OP(MD) No.4068 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.4068 of 2024

SATHISH @ SATHISHKUMAR

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.144/2024

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.L.DHILIPAN PANDIAN, 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.144/2024 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 punishable under Section 379 IPC r/w Section 21(4) of the Mines and Minerals (Development & Regulations) Act, 1957 in Crime No.144 of 2024, seeks anticipatory bail.



CRL OP(MD) No.4068 of 2024

WEB COPY

2.The case of the prosecution is that the petitioner illegally transported $\frac{1}{4}$ unit of river sand. 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. However, the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.10,000/- 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 the investigation is pending.

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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thanjavur, Thanjavur 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:



CRL OP(MD) No.4068 of 2024

WEB COPY

(a) as per the undertaking given by the petitioner, the petitioner 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 his 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 the students and file necessary proof before the learned Magistrate;

(b) 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;

(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;

(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



CRL OP(MD) No.4068 of 2024

WEB COPY

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/-
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 NO.III,
THANJAVUR,
THANJAVUR DISTRICT.

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

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

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



CRL OP(MD) No.4068 of 2024

COPY TO

WEB COPY

THE HEADMASTER / HEADMISTRESS,
PANCHAYATH UNION PRIMARY SCHOOL,
EDAKKUDI,
PUTHUTHERU.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-3213[I] dated 14/03/2024)
ORDER
IN
CRL OP(MD) No.4068 of 2024
Date :14/03/2024

RS/JGB/SAR-(27.03.2024) 5P 7C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023