



CRL OP(MD) No.4070 of 2024

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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.4070 of 2024

1 VISHVANATH @ VISHVA

2 VIMAL @ VIMALNATH

... PETITIONERS/ ACCUSED RANK NOS.3 & 4

Vs

THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.121/2024

... RESPONDENT/COMPLAINANT

For Petitioners : 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.121/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A3 & A4, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC r/w Section 21(1) of the Mines and Minerals (Development & Regulation) Act 1957 in Crime No.121 of 2024, on the file of the respondent Police, seek anticipatory bail.



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2.The case of the prosecution is that the petitioners and other accused have illegally transported two and half units of river 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, the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.60,000/- to the Panchayat Union Primary School, Devangudi, Thanjavur District for the welfare of the students.

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 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, Thiruvaiyaru, Thanjavur District, 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:



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(a) as per the undertaking given by the petitioners, the petitioners shall make a non-refundable deposit of Rs.60,000/- (Rupees Sixty Thousand only) to the Panchayath Union Primary School, Devangudi, Thajavur District, 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 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 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



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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/-

14/03/2024

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/03/2024

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.

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

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

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
PANCHAYATH UNION PRIMARY SCHOOL, DEVANGUDI,
THANJAVUR DISTRICT.



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+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-3214[I] dated 14/03/2024)

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ORDER

IN

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Date :14/03/2024

RS/JGB/SAR-(27.03.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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