



CRL OP(MD) No.4199 of 2024

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

Monday, the Eighteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4199 of 2024

1 SEENIVASAN

2 KALIMUTHU

3 POTHYAPPAN

... PETITIONERS / ACCUSED No.3 TO 5

Vs

THE INSPECTOR OF POLICE
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.47/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MURUGESAN.D.R, 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.47/2024 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 Section 379 of IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.47 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 1/4 unit of river sand by using bullock cart. Hence, the complaint.

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 pay a sum of Rs.30,000/- jointly to the learned Judicial Magistrate, Peravurani, Thanjavur District, for constructing a toilet to the Members of the Bar Association and Staff, without prejudice to their defence before the trial Court, and 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 investigation is yet to be completed and one previous case is pending against the petitioners.



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5. Considering the facts and circumstances of the case and also considering the quantity of the sand transported by the petitioners, 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 fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Peravurani, 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 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) as per the undertaking given by the petitioners, the petitioners shall make a Demand Draft for a sum of **Rs.30,000/- (Rupees Thirty Thousand only) jointly in**



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favour of the learned Judicial Magistrate, Peravurani, Thanjavur District, without prejudice to their rights and contentions before the trial Court and the petitioners are further directed to produce a copy of the Demand Draft before the trial Court, while executing the sureties; **Thereafter, the learned Judicial Magistrate shall spend the amount for constructing a toilet to the Members of the Bar Association and Staff;**

(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;

(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;



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(h)if the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
28/02/2024

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/03/2024

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

SSB
TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAVURANI.
- 2 THE JUDICIAL MAGISTRATE,
PERAVURANI, THANJAVUR DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE INSPECTOR OF POLICE
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.4199 of 2024
Date :18/03/2024

SS/GS/SAR- /27/03/2024/5P/6C

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