



CRL OP(MD) No.4270 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.4270 of 2024

ELAYARAJA

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.143/2024

... 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.143/2024 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 under Section 379 IPC r/w. Section 21(1) of Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.143 of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner has illegally transported 1/4 unit of river sand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.5,000/- to the learned Judicial Magistrate, Peravurani, Thanjavur District, for constructing a toilet to the Members of the Bar Association and Staff, without prejudice to his 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 no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the quantity of the sand transported by the petitioner, 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, Thiruvaiyaru, Thanjavur District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-



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(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:

(a)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;

(b)as per the undertaking given by the petitioner, the petitioner shall make a Demand Draft for a sum of Rs.5,000/- (Rupees Five Thousand only) in favour of the learned Judicial Magistrate, Peravurani, Thanjavur District, without prejudice to his rights and contentions before the trial Court and the petitioner is 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 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 for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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(f) the petitioner 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 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/-

18/03/2024

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/03/2024

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

SSB

TO

1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU, THANJAVUR DISTRICT.

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

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



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

COPY TO

THE JUDICIAL MAGISTRATE, PERAVURANI, THANJAVUR DISTRICT.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-3439[I] dated 20/03/2024)
ORDER
IN
CRL OP(MD) No.4270 of 2024
Date :18/03/2024

RS/GS/SAR-(28.03.2024) 5P 7C
Madurai Bench of Madras High Court is issuing
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