



CRL OP(MD) No.4440 of 2024

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

Wednesday, the Twentieth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4440 of 2024

DURAIMANICKAM

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
MELATUR POLICE STATION
THANJAVUR DISTRICT.
CRIME NO. 99/2024

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.ARUNPRASAD, 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.99 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Section 379 of IPC r/w 21(4) of Mines
and Minerals (Development and Regulation) Act, 1957, in Cr.No.99 of 2024, on the
file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner was involved in illegal transportation of $\frac{1}{4}$ unit of river sand. Hence, the case.

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 instructions, he further submitted that the petitioner, on his own volition, is ready and willing to deposit a sum of Rs.10,000/- to the Panchayat Union Primary School, Thachankurichi, Pudukkottai District, for the welfare of the students studying in the said school, and hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant bail stating that the petitioner was involved in illegal transportation of $\frac{1}{4}$ unit of river sand. However, he fairly conceded that the petitioner has no previous case.

5.Considering the facts and circumstances of the case and also considering the amount of sand involved in this 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, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



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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 is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Headmaster, Panchayat Union Primary School, Thachankurichi, Pudukkottai District, by way of Demand Draft, without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner; The Head Master of the said school shall utilize the said amount for the welfare of the students;

(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/-
20/03/2024

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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 NO.III, THANJAVUR.

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

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

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



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COPY TO

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THE HEADMASTER,
PANCHAYAT UNION PRIMARY SCHOOL,
THACHANKURICHI, PUDUKKOTTAI DISTRICT.

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-3428[I] dated 20/03/2024)

ORDER

IN

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Date :20/03/2024

RS/VR/SAR-(25.03.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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