



CRL OP(MD) No.4526 of 2024

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

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 JAYAPAL
2 SELVAM

... PETITIONERS/ ACCUSED RANK NOS.1 TO 2

Vs

THE INSEPCTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.173/2024

... RESPONDENT/COMPLAINANT

For Petitioners : MR.R.L.DHILIPAN PANDIAN, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (CrI.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 173/2024 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 for
the alleged offence under Section 379 IPC r/w Section 21(4) of Mines and Minerals
(Development and Regulations) Act, 1957, in Cr.No.173 of 2024, seek anticipatory



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2.The case of the prosecution is that the petitioners have illegally transported 1/4 unit of river sand each by using bullock cart without prior permission. 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.25,000/- jointly, to MPL Primary School, Town Kumbakonam, for the welfare of the students and hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the first petitioner is having two previous cases and no previous case is pending against the second petitioner.

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 Judicial Magistrate No.III, Thanjavur, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of



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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 are directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) jointly to MPL Primary School, Town Kumbakonam, without prejudice to their defence before the trial Court and the proof shall be produced before the concerned Judicial Magistrate, and the concerned Magistrate, after perusing the proof, shall accept the sureties furnished by the petitioners; The Headmaster of the said School shall utilize the same for the welfare of the students studying in the School;

(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;



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(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 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/-
21/03/2024

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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 NO.III, THANJAVUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT.

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



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

COPY TO

THE HEADMASTER / HEADMISTRESS,
MPL PRIMARY SCHOOL,
TOWN KUMBAKONAM,
KUMBAKONAM.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-3588[I] dated 22/03/2024)
ORDER

IN
CRL OP(MD) No.4526 of 2024
Date :21/03/2024

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