



CRL OP(MD) No.4835 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4835 of 2024

1 S.PRADEEP

2 K.ARUN

3 K.VIJAY @ VIJAYKUMAR

... PETITIONERS/ACCUSED 1-3

Vs

THE INSPECTOR OF POLICE
BODINAYAKENUR RURAL POLICE STATION,
THENI DISTRICT.
CR.NO.103/2024

... RESPONDENT/COMPLAINANT

For Petitioners : MR.K.ANANDAN, 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.103/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 to A3, 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.103 of



CRL OP(MD) No.4835 of 2024

2024, on the file of the respondent Police, seek anticipatory bail.

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2.The case of the prosecution is that the accused persons have illegally transported half units of oodai 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.20,000/- to the Government High School, Seepalakkottai, Uthamapalayam Taluk, Theni District for the welfare of the students.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that one similar previous case is pending against the petitioners.

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, Bodinayackenur, 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



CRL OP(MD) No.4835 of 2024

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.20,000/- (Rupees Twenty Thousand only) to the Government High School, Seepalakkottai, Uthamapalayam Taluk, Theni 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 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;



CRL OP(MD) No.4835 of 2024

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(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;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/03/2024

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/04/2024

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

gns

TO

1 THE JUDICIAL MAGISTRATE, BODINAYACKANUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, BODINAYAKENUR RURAL POLICE STATION,
THENI DISTRICT.

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



CRL OP(MD) No.4835 of 2024

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THE HEADMASTER / HEADMISTRESS,
GOVERNMENT HIGH SCHOOL, SEEPALAKKOTTAI,
UTHAMAPALAYAM TALUK, THENI DISTRICT.

+1 CC to M/s.K.ANANDAN, Advocate (SR-3782[I] dated 27/03/2024)

ORDER
IN

CRL OP(MD) No.4835 of 2024

Date :27/03/2024

RS/JGB/SAR-(04.04.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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