



CRL OP(MD) No.4858 of 2024

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.4858 of 2024

KANIRAJA

... PETITIONER / ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
SINDUPATTY POLICE STATION
MADURAI DISTRICT.
CRIME NO.62/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.LENINKUMAR, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.62/2024 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 punishable under Section 379 IPC r/w Section 21(4) of the Mines



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and Minerals (Development and Regulations) Act, 1957 in Crime No.62 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported two unit of saralai soil. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, the petitioner, without prejudice to his rights, is ready and willing to deposit a sum of Rs.10,000/- for the restoration of Kanmai situated around the Othakadai and Narasingam areas in Madurai District.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that investigation is pending.

5.Considering the facts and circumstances of the 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, Thirumangalam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (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



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the learned Magistrate concerned and on further condition that:

(a)as per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in the name of the Narasingam Village Panchayat-225262 [Account No.7387086170; MICR Code: 600019053 CIF No: 03262384860, IFSC Code: IDBI000S004, Indian Bank, Saidapet Branch, Chennai], for restoration of Kanmai, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court while executing the sureties;

(b)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;

(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 as and when required;

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

(f)the petitioner shall not abscond either during investigation or trial;



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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 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/-
27/03/2024

/ TRUE COPY /

/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,
THIRUMANGALAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SINDUPATTY POLICE STATION
MADURAI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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

COPY TO
THE PRESIDENT,
NARASINGAM VILLAGE PANCHAYAT,
NARASINGAM,
OTHAKADAI,
MADURAI DISTRICT.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3965[I] dated 28/03/2024)

ORDER
IN
CRL OP(MD) No.4858 of 2024
Date :27/03/2024

PKP/JGB/SAR /04.04.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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