



CRL OP(MD) No.4927 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4927 of 2024

1 SHANKAR

2 KARUNALINGAM @ KARUNATHALINGAM,

3 MUKESH @ MUTHUNATHAN ... PETITIONERS / ACCUSED 1 TO 3

Vs

THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO. 32 OF 2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/s.M.MOHANA BAI, Advocate
for M/S. VENKATESH.D Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 32 OF 2024 ON THE FILE
OF THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioners/ A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 379 IPC and Section 21(1) of the Mines and Minerals (Development and Regulation) Act in Crime No.32 of 2024, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons have illegally transported one unit of river 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, he would further submit that the petitioners, without their prejudice, are ready and willing to deposit a sum of Rs.50,000/- to the Government Higher Secondary School, Mudukulathur, Kamuthi Road, Mudukulathur Taluk, Ramanathapuram District for the welfare of the students.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the first petitioner is having three previous cases and the third petitioner is also having three previous cases, in which, two cases are similar in nature.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.



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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, Kadaladi, 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 condition that:

(a) as per the undertaking given by the petitioners, the petitioners shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty Thousand only) to the Government Higher Secondary School, Mudukulathur, Kamuthi Road, Mudukulathur Taluk, Ramanathapuram 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;



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(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 daily at 10.30 am., for a period of two weeks and thereafter, 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;

(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



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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/-
28/03/2024

/ 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,
KADALADI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

COPY TO:
THE HEAD MASTER / HEAD MISTRESS,
GOVERNMENT HIGHER SECONDARY SCHOOL,
MUDUKULATHUR, KAMUTHI ROAD, MUDUKULATHUR TALUK,
RAMANATHAPURAM DISTRICT

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



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+1 CC to M/s.D.VENKATESH, Advocate (SR-4001[I] dated 01/04/2024)

ORDER
IN
CRL OP(MD) No.4927 of 2024
Date :28/03/2024

SA/GS/SAR. /16.04.2024/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.