



CRL OP(MD)No. 7547 of 2024

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

Date : 22.05.2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD)No. 7547 of 2024

1.Devadoss

2.Sabapathi

... Petitioners / Accused No.1 and 2

Vs

State represented by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(In Crime No.209 of 2024)

... Respondent / Complainant

For Petitioners : Mr.S.Manojkumar, Advocate

For Respondent : Mr.M.Muthumanikkam
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.209/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 and A2, who apprehends arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C., read with 21(1) of Mines



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and Minerals (Development and Regulation) Act, 1957 in Crime No.209 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 petitioners have illegally transported 2- 3/4 units of river sand. Hence, a case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioner is innocent and a false case has been foisted against him, hence he seeks bail.

4.The learned Additional Public Prosecutor would submit that the petitioners have illegally transported 2-3/4 units of river sand, hence he objected to grant anticipatory bail to the petitioner. However he further submits that the first petitioner is the owner of the vehicle and the second petitioner is the driver.

5.Taking into consideration of the facts and circumstances of the case, 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



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arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Thanjavur, on condition that the petitioners 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 the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the first petitioner / A1 shall make a non refundable deposit of Rs.40,000/- (Rupees Forty Thousand only) and the second petitioner / A2 shall make a refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of The Head Master, Government Model Girls Higher Secondary School, Y.Othakadai, Madurai, Savings Bank Account No. 10968750674, (IFSC Code: SBI0002246), SBI Othakadai, Madurai, for purchasing benches and desks for 12 newly constructed class rooms under "Namakku Naame" Scheme and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners;



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(c)the petitioners shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

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

sd/-
22/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO

1 THE JUDICIAL MAGISTRATE NO.2
THANJAVUR.



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

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

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

COPY TO:
THE HEAD MASTER,
GOVERNMENT MODEL GIRLS HIGHER SECONDARY SCHOOL,
Y.OTHAKADAI, MADURAI

ORDER
IN
CRL OP(MD) No.7547 of 2024
Date :22/05/2024

SS/JGB/SAR- /28/05/2024/5P/6C

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