



CRL OP(MD)No.7649of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

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1.Arumugam

2.Subramani

... Petitioners/ Accused Nos.1 and 2

Vs

State represented by
The Inspector of Police,
Thogamalai Police Station,
Karur District,
(in Crime No.201 of 2024.)

... Respondent / Complainant

For Petitioners : Mr.S.Sathya Chidambaram, 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.201/2024 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 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under section 379 I.P.C., and section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.201 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported one unit of pond 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 anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the petitioners have illegally transported one unit of pond sand, hence he objected to grant anticipatory bail to the petitioner.

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 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.1, Kulithalai, Karur 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) 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 petitioners shall make a non 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 petitioner;

(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;



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(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 /

/06/2024
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.I,
Kulithalai, Karur District.

2.Do through the Chief Judicial Magistrate,
Karur District.

3.The Inspector of Police,
Thogamalai Police Station,
Karur District.



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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.7649 of 2024
Date :22/05/2024

ED/ VR /SAR- (04/06/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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