



CRL OP(MD)No.7681 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

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1.Jeyaseelan

2.Ayyappan

... Petitioners/ Accused Nos.1 & 2

Vs

The State represented by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District.
(Crime No.241 of 2024)

... Respondent/Complainant

For Petitioners : Mr.R.L.Dhilipan Pandian, Advocate

For Respondent : Mr.S.Manikandan

Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.241 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for



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the offences punishable under Sections 379 of IPC and Section 21(1) of MMDR Act in

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Crime No.241 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the other accused persons have illegally transported 200 units of river sand. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent Police submits that the petitioners are having four previous cases. Therefore, he objects to grant bail to the petitioners.

5.Taking into consideration 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 of receipt



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of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, 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 learned Magistrate concerned and on further conditions 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.50,000/- (Rupees Fifty Thousand only) to the credit of the Headmaster, Panchayat Union Middle School, LKB Nagar, Sakkimangalam, Madurai in South Indian Bank Limited, Sakkimangalam Branch, Account No.0733053000000794 IFSC No.SIBL0000733, MICR Code: 625059008, without prejudice to his contentions and rights before the trial Court, for purchasing 30 sets of Bench Desk for the Tribal students under "Namakku Naame" Scheme and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;



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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/-
23/05/2024

/ TRUE COPY /

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

MGA



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TO
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- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION, THANJAVUR
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE HEADMASTER,
PANCHAYAT UNION MIDDLE SCHOOL,
LKB NAGAR, SAKKIMANGALAM, MADURAI

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-5743[I] dated 23/05/2024)

ORDER
IN
CRL OP(MD) No.7681 of 2024
Date :23/05/2024

SS/VR/SAR- /28/05/2024/5P/7C

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