



CRL OP(MD). No.8040 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CRL OP(MD). No.8040 of 2024

1. Murugesan,

2. Rajesh Kannan,

3. Chandrasekaran,

... Petitioners No.1 to 3/ Accused No.1 to 3

Vs

The Inspector of Police,
K.Paramathi Police Station,
Karur District.
(Crime No. 187 of 2024).

... Respondent/Complainant

For Petitioners : Mr.Vishnu.V
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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



CRL OP(MD). No.8040 of 2024

PRAYER :-
WEB COPY

For Anticipatory Bail in Crime No. 187 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners / Accused Nos.1 to 3, who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Section 379 IPC, r/w Section 21(1) of the Mines and Minerals (Development and Regulations) Act, 1957, in Crime No.187 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported $\frac{1}{4}$ unit of river sand. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioners jointly, without prejudice to their rights before the trial Court, are ready to pay a sum of Rs.3,000/- to the Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai and hence, he prays for anticipatory bail.



CRL OP(MD). No.8040 of 2024

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposes for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the quantity of the sand transported by the petitioners, 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 of a copy of this order, before the learned Judicial Magistrate, Aravakurichi 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)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;

(b)as per the undertaking given by the petitioners, the petitioners jointly shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only as non refundable deposit by way of Demand Draft to the Madras High

Court Madurai Bench Advocate Clerk's Welfare Association, Madurai



CRL OP(MD). No.8040 of 2024

WEB COPY

(Indian Bank Savings Account No.496039124, IFSC Code: IDIB000H040), without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioners;

(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 shall report before the respondent police daily at 10.30 a.m, 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court



CRL OP(MD). No.8040 of 2024

WEB COPY

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/-
29/05/2024

/ TRUE COPY /

/06/2024

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

TSG

TO

1. THE JUDICIAL MAGISTRATE, ARAVAKURICHI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PARAMATHI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
MADRAS HIGH COURT MADURAI BENCH ADVOCATE CLERK'S WELFARE
ASSOCIATION, MADURAI



WEB COPY



CRL OP(MD). No.8040 of 2024

ORDER

IN

CRL OP(MD) No.8040 of 2024

Date :29/05/2024

RK/VR (03/06/2024) 6P / 6C

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