



CRL OP(MD)No.10182 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 10.07.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10182 of 2024

1.Arumugam

2.Muruges @ Murugesan

... Petitioners/ Accused Nos. 1 & 3

Vs

The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli,
Tirunelveli District.
(Crime No.305 of 2024)

... Respondent/ Complainant

For Petitioners : Mr.N.Pragalathan,Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.305/2024 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

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



CRL OP(MD)No.10182 of 2024

the alleged offence punishable under Sections 303(2) of the Bharathiya Nyaya Sanhita, 2023 in Cr.No.305 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 two units of gravel sand.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocents persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) appearing for the respondent Police opposes to grant anticipatory bail to the petitioners on the ground that the first petitioner is having 29 previous cases, which are similar in nature and the second petitioner is having two previous cases.

5.At this juncture, the learned counsel appearing for the petitioners submits that the petitioners are ready and willing to deposit a sum of Rs.10,000/- in favour of the “Chief Educational Officer, Tirunelveli” for the welfare of the Government Schools.

6.Considering the facts and circumstances of the case and considering the antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this criminal original petition is dismissed as



CRL OP(MD)No.10182 of 2024

against the first petitioner.

7.Considering the willingness of the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner.

8.Accordingly, this criminal original petition is partly-allowed and the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.3, Tirunelveli, Tirunelveli District on condition that the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.3, Tirunelveli, Tirunelveli District and on further conditions that:

- i. The second petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address.
- ii. The second petitioner shall appear before the respondent police daily at 10.30 am until further orders. He has to co-operate for the investigation.
- iii. As per the willingness expressed by the second petitioner, he shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) in favour of the “Chief Educational Officer, Tirunelveli” for the welfare of the Government



CRL OP(MD)No.10182 of 2024

WEB COPY

Schools.

iv. The second petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The second petitioner shall be available for the trial as well.

v. On violation of any of the above conditions by the second petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

9. It is needless to say that any tool or instrument or vehicle used for quarrying / transportation of sand is liable to be seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957 and any vehicle or instrument or tool which has been seized under Section 21(4) of the Mines and Minerals (Development & Regulation) Act, 1957, is liable to be confiscated.

sd/-
10/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD)No.10182 of 2024

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE CHIEF EDUCATIONAL OFFICER
TIRUNELVELI DISTRICT.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-7743[I] dated 11/07/2024)

ORDER
IN

CRL OP(MD) No.10182 of 2024
Date :10/07/2024

PKP/GS/SAR /18.07.2024/ 5P/ 7C

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