



CRL OP(MD) No.22345 of 2023

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22345 of 2023

SANTHANATHANGAM

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
SAPTUR POLICE STATION,
MADURAI DISTRICT,
CRIME NO.157/2023

... RESPONDENT/COMPLAINANT

For Petitioner : MR.T.PALANISAMY, Advocate

For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.157/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section 379 of I.P.C. and
Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 and
Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992

in Crime No.157 of 2023 on the file of the respondent Police, seeks anticipatory bail.

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



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2. The case of the prosecution is that the petitioner was involved in illegal transportation of half unit of stream sand.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights, is ready to construct a toilet for the benefit of the Girl students studying in the Government Higher Secondary School, Meiyanthupatti, within a period of eight weeks.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that already the petitioner has filed an Anticipatory Bail Application in CrI.O.P.(MD).No.20354 of 2023 and the same was dismissed as withdrawn by this Court on 17.11.2023.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is undertaking to construct a toilet to the Government Higher Secondary School, Meiyanthupatti, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 learned District



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Munsif cum Judicial Magistrate, Peraiyur, on condition that the petitioner 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 and on further condition that:

(a)the petitioner is directed to construct a toilet to the Government Higher Secondary School, Meiyanthupatti and an appropriate proof shall be sent to the learned District Munsif cum Judicial Magistrate, Peraiyur, by the Headmaster of the said School and thereafter, sureties shall be accepted.

(b).if the petitioner 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;

(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 petitioner shall report before the respondent police as and when required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(f) the petitioner 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 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;

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

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, SAPTUR POLICE STATION, MADURAI DISTRICT.

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



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THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
MEIYANUTHUPATTI.

+1 CC to M/s.T.PALANISAMY, Advocate (SR-147[I] dated 04/01/2024)

ORDER
IN

CRL OP(MD) No.22345 of 2023

Date :04/01/2024

RS/DD/SAR-(08.01.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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