



CRL OP(MD) No.22952 of 2023

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

Tuesday, the Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22952 of 2023

ALAGARSAMY

... PETITIONER'S/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.117/2021).

... 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.117/2021 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 379 of I.P.C. r/w 4(1)(1A)
and 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime
No.117 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported three

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



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units of Karambai Sand. Hence, the complaint.

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(*)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 renovate the school Gates of the Panchayat Union Primary School, Sevaloor, Sivakasi, Virudhunagar District.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that three previous cases are pending against the petitioners.

(*)5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is undertaking to renovate the school Gates of the Panchayat Union Primary School, Sevaloor, Sivakasi, Virudhunagar District, this Court is 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 Special Court (Mines and Minerals), Madurai, Madurai District, 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



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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 renovation of the school Gates of the Panchayat Union Primary School, Sevaloor, Sivakasi, Virudhunagar District and an appropriate proof shall be sent to the concerned learned Judicial Magistrate 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;

(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



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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/-
09/01/2024

(*)Corrected as per order of this
Hon'ble Court in CRL OP(MD).
22952/2023 Dated 15/02/2024

Time is extended for further two
weeks for executing sureties, from the
date of receipt of a copy of the
amended Order.

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/02/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
19/01/2024

1 THE JUDGE, SPECIAL COURT (MINES AND MINERALS), MADURAI.
MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE, PERAIYUR POLICE STATION,
MADURAI DISTRICT.



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

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

COPY TO

THE HEADMASTER / HEADMISTRESS,
PANCHAYAT UNION PRIMARY SCHOOL, SEVALOOR,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.T.PALANISAMY, Advocate (SR-380[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) No.22952 of 2023

Date :09/01/2024

RS/JGB/SAR-(12.01.2024) 5P 7C

RS/VR/SAR-(19.02.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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