



CRL OP(MD) No.23064 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23064 of 2023

MANOJKUMAR

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
VANGAL POLICE STATION,
KARUR DISTRICT.
(CRIME NO.434 OF 2023.)

... Respondent / Complainant

For Petitioner : M/s.S.T.Sasidharan Tamilkani, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl. Side)

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.434 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police
for the alleged offence under Section 379 IPC r/w Section 21(1) of Mines and



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Minerals (Development and Regulation) Act, in Crime No.434 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had illegally transported three units of river sand by using lorry.

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 submit that the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only), to the Panchayat Union Primary School, Vadakadu, Pullachi Kudiyiruppu, Vadakadu Village, Alangudi Taluk, Pudukkottai District, for the welfare of the students and hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that the petitioner had transported three units of river sand illegally.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel appearing for the petitioner that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- to a School for the welfare of the students, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, the 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 learned Judicial Magistrate No.2, Karur 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)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;

(b) the petitioner shall make a payment of Rs.50,000/- (Rupees Fifty Thousand only), to the Panchayat Union Primary School, Vadakadu, Pullachi Kudiyiruppu, Vadakadu Village, Alangudi Taluk, Pudukkottai District. The Headmaster of the said school shall send appropriate proof of payment to the concerned learned Judicial Magistrate.

(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 daily at 10.30 a.m.



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for a period of two weeks and thereafter, as and when required for interrogation;

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(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
05/01/2024

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

SSB

To

1.The Judicial Magistrate No.2,
Karur, Karur District.



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2.Do through the Chief Judicial Magistrate,
Karur District.

3.The Inspector of Police,
Vangal Police Station,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Headmaster,
Panchayat Union Primary School,
Vadakadu, Pullachi Kudiyiruppu
Vadakadu village,
Alangudi Taluk,
Pudukkottai District.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-250[I] dated
05/01/2024)

ORDER
IN

CRL OP(MD) No.23064 of 2023

Date :05/01/2024

ED/ VR /SAR- (31/01/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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