



CRL OP(MD) No.23557 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.23557 of 2023

RAJA

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.338 OF 2023.)

... Respondent / Complainant

For Petitioner : M/s.T.Lenin Kumar, Advocate

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

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.338 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 379 of IPC r/w Section 21(4) of the



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Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.338 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that on 05.12.2023, when the respondent police were in surveillance, they intercepted a two wheeler bearing Reg.No.TN-52-C-6332. On seeing the police party, the driver of the vehicle, fled away from the scene of occurrence. Thereafter, on searching, they found illegal possession of 5 units of river sand. Hence, the Law Enforcing Authority, registered a case against the accused.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the welfare of the girl students in any school. Hence, they prayed for the anticipatory bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is ready to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) for making toilet facility to the welfare of the student, this Court may consider the anticipatory bail for the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to deposit some amount, to the welfare of MPL.P.S.,



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KASICETTI Girls School, Srirangam, Andhanallur, Trichy, this Court is inclined to
grant anticipatory bail to the petitioner.

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-V, Trichy on condition that the petitioner 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) the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b)(i) the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft in favour of the Headmaster/Headmistress, MPL.P.S., KASICETTI Girls School, Srirangam, Andhanallur, Trichy, for making toilet facility to the welfare of the girl student within a period of two weeks from the date of receipt of a copy of this order.



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(ii) the Headmaster/Headmistress of the above said school is directed to carryout the welfare works as mentioned above in their school using the above said deposit amounts and report the same with necessary proofs of accounts, receipts and documents before the concerned District Educational Officer within a period of eight weeks.

(iii) the petitioner shall make the above deposit before the execution of the sureties.

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



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(g)if the accused thereafter absconds, a fresh FIR can be registered

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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.

DSS

To

- 1.The Judicial Magistrate No.V,
Trichy
- 2.Do through the Chief Judicial Magistrate,
Trichy District.
- 3.The Inspector of Police,
Somarasampettai Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

- 1.The Headmaster / Headmistress,
MPL.P.S., Kasicetti Girls Schoo,
Srirangam, Andhanallur,
Trichy.



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2.The District Educational Officer,
Trichy District.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-315[I] dated 08/01/2024)

ORDER
IN
CRL OP(MD) No.23557 of 2023
Date :05/01/2024

ED/ JGB /SAR- (09/01/2024) 6P / 8C

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