



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/06/2020

PRESENT

WEB COPY

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5243 of 2020

1. S.Ravichandran

2. S.Manikandan

... Petitioners/Accused No.1&2

Vs

The State Rep. By
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(Crime No.73 of 2020)

... Respondent/Complainant

For Petitioners : M/s. K.Mahendran,
Advocate.

For Respondent : Mr.R.Anandharaj,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 73 of 2020 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 the offences punishable under Sections
147,148,294(b),506(ii), 447,435 of IPC seek anticipatory bail.

2. Heard both sides.

3. According to the learned counsel for the petitioner, it is
foisted case against the petitioner by the respondent police since
he has filed Public Interest Litigation before this Court to prevent
excavation of sand illegally from Annu Vathi Lake, Kollankarai
Village, Thanjavur District. Pursuant to the Public Interest
Litigation filed by the petitioner, illegal sand miners aggrieved
by this Court, sand miners have created a make



believe incident as if the petitioner and others have set fire to the proclaim owned by the defacto complainant.

4. The learned Additional Public Prosecutor would submit that based on the complaint given by the defacto complainant they are investigating the matter. Since the petitioners are absconding they are not able to make any progress in the investigation.

5. Considering the rival submissions, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thanjavur on condition that the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) 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;

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

sd/-

03/06/2020

/ TRUE COPY /

/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

- 1 THE JUDICAIL MAGISTRATE II
THANJAVUR.
- 2 -DO- THRO THE CHEIF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5243 of 2020
Date :03/06/2020

PD/JC/SAR 2/04.06.2020/3P/5C