



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

Date : 17/06/2020
PRESENT

WEB COPY

THE HON'BLE Mr.JUSTICE M.DHANDAPANI

CRL OP(MD) . No.6285 of 2020

1. Sathish @Karuppu @Sathishkumar
2. Muruganantham,
3. Praveen @ Praveen Kumar ... Petitioners/Accused No.2to4

Vs

The State rep. by
The Inspector of Police,
Bhoodhalur Police Station,
Thanjavur District.
(Crime No.41 of 2020)

... Respondent/Complainant

For Petitioner : M/s.K.M.Karunakaran,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

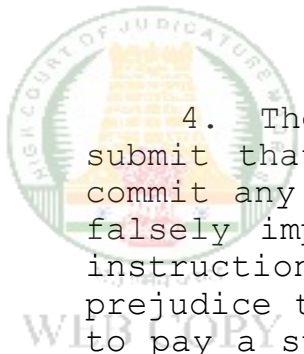
For Anticipatory Bail in Crime No.41 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 307 and 379 of IPC read with Section 21(4) of Mines and Minerals (Development and Regulation) Act, in Crime No.41 of 2020, on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that based on the secret information, the respondent police conducted vehicle check up and found the petitioners along other accused were driving Bolero pick up with carrying one unit of river sand. When the respondent police tried to stop the vehicle, the petitioners rushed to drive the vehicle. Subsequently, the respondent police seized the vehicle and arrested Al. Hence, a complaint.



4. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to their rights and contentions, the petitioners are ready to pay a sum of Rs.20,000/- (Rupees Twenty Thousand Only), jointly, as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur', for the purpose of providing facilities to the Health workers.

5. The learned Government Advocate (criminal side) appearing for the State, on instructions, would submit that when the respondent police conducted vehicle check up, found the petitioners carrying one unit of river sand with Bolero pickup. When the respondent police tried to stop the vehicle, the petitioners ran away from the spot. However, the respondent arrested the first accused. He would further submit that investigation is almost completed.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District and on their executing 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 learned Magistrate concerned;

(ii) The petitioners are directed to pay a sum of Rs.20,000/- (Rupees twenty Thousand Only), jointly, by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur District', on or before 30.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice their rights and contentions, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(iii) The petitioners shall appear before the respondent police daily at 05.00 p.m until further orders, for interrogation.

(iv) 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



petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-

17/06/2020

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU,
THANJAVUR DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
BHOODHALUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Copy to:
THE DEAN
THANJAVUR MEDICAL COLLEGE HOSPITAL,
THANJAVUR DISTRICT.

ORDER

IN

CRL OP(MD) No.6285 of 2020

Date :17/06/2020

MPK

<https://hccs.ecourts.gov.in/Reserve/> 18.06.2020/ 3P/6C