



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD) . No.5985 of 2020

KUMARASAMY

... PETITIONER/
PETITIONER/ACCUSED NO.2

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
VANGAL POLICE STATION,
KARUR DISTRICT,
(CRIME NO.121 OF 2019).

... RESPONDENT/
RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.Sathiya Chidhambaram
Advocate.

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

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

PRAYER :-

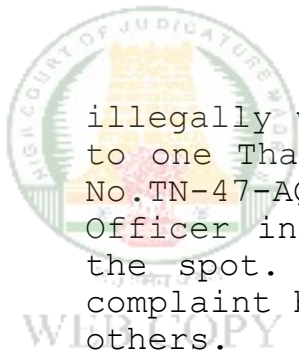
For Anticipatory Bail in Crime No.121 of 2019 on the file of
the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 379 of
IPC and Section 21(1) Mines and Minerals (Development and
Regulation) Act, in Crime No.121 of 2019 on the file of the
respondent police, seeks anticipatory bail.

3.The case of the prosecution is that on 13.05.2019, based on a
secret information, the Village Administrative Officer of Aathoor
Village, went to the Naval Nagar, China Vadukapatti Road. At that
time, he found the accused person trying to take the river sand



illegally without any valid permit in a private land, which belongs to one Thangavel, with the petitioner's JCB bearing in Registration No.TN-47-AQ-3098 and 3 Lorries. While the Village Administrative Officer interfered the same, some of the accused were escaped from the spot. Hence, the said Village Administrative Officer gave a complaint before the respondent police as against the petitioner and others. Based on which, the respondent seized the vehicle in question and registered the case.

4.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent and he has been falsely implicated in the above said case. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to his rights and contentions, the petitioner is ready to pay a sum of Rs.4,00,000/- (Rupees Four Lakhs Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Government Medical College Hospital, Karur District', for the purpose of providing facilities to the Health workers.

5.The learned Government Advocate(Criminal Side) would submit that the petitioner is trying to take river sand 80 units illegally without any valid permit.

6. Considering the facts and circumstances of the case and considering the fact that the petitioner is trying to take river sand, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.2, Karur, Karur District, and on his 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 petitioner is directed to pay a sum of Rs.4,00,000/- (Rupees Four Lakh Only), by way of Demand Draft, in favour of '**The Dean, Government Medical College Hospital, Karur District**', on or before 30.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice to his rights and contentions, since the sanitary workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(iii) The petitioner shall appear before the respondent police for a period of two weeks daily at 05.00 p.m and thereafter, as and when required for interrogation.

(iv) on breach of any of the aforesaid conditions, the learned <https://hcservices.courts.gov.in/hcservices/> Magistrate/Judicial 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;
(v)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7.The petitioner 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 petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
15/06/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
- 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 DEAN,
GOVERNMENT MEDICAL COLLEGE HOSPITAL,
KARUR DISTRICT.

ORDER
IN
CRL OP(MD) No.5985 of 2020
Date :15/06/2020

SKN
JM/PN/SAR 2/23.06.2020/3P/6C