



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.5977 of 2020

Loganathan ... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Bhoodhalur Police Station,
Thanjavur District,
(Crime No.180 of 2020).

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran
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.180 of 2020 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 r/w Section 21(4) Mines and Minerals (Development and
Regulation) Act in Crime No.180 of 2020 on the file of the
respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the defacto complainant,
who is the Special Sub-Inspector, gave a complaint before the
respondent police as against the petitioner alleging that on
05.04.2020, on receipt of secret information that some person was
carrying the river sand ½ unit in Bullock cart and at that time, the
respondent police immediately conducted the raid and the respondent



police was found that the accused person was run away from the spot and the bullock cart was seized by the respondent. Hence, a complaint has been lodged.

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 his rights and contentions, the petitioner is ready to pay a sum of Rs.5,000/- (Rupees five thousand only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur District', for the purpose of providing facilities to the Health workers.

5.The learned Government Advocate(Criminal Side) has opposed to grant bail to the petitioner, since investigation is at the initial stage.

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

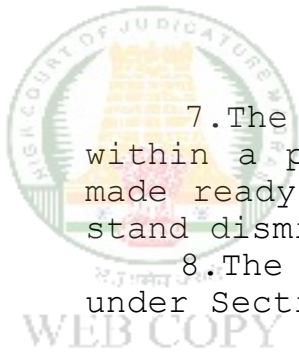
(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned;

(ii) The petitioner is directed to pay a sum of Rs.5,000/- (Rupees five thousand only), by way of Demand Draft, in favour of '**The Dean, Thanjavur Medical College Hospital, Thanjavur**', on or before 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his 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 petitioner shall appear before the respondent police as and when required for the purpose of 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 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
THIRUVAIYARU,
THANJAVUR DISTRICT.,

2 -DO- THRO
THE CHEIF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
BHOODALUR 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.

ORDER
IN
CRL OP(MD) No.5977 of 2020
Date :15/06/2020

PD/VR/SAR 3/18.06.2020/3P/6C