



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/06/2020

PRESENT

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The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6434 of 2020

Saravanan

... Petitioner/Accused No.1

Vs

The Sub-Inspector of Police,
Karaiyur Police Station,
Pudukottai District
Crime No. 19/2020.

... Respondent/Complainant

For Petitioner : M/s. P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 19 of 2020 on the file of
the Respondent Police

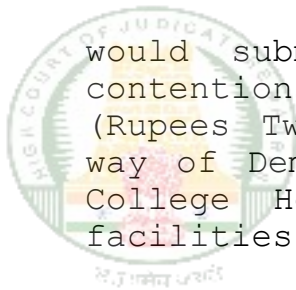
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner, who is arrayed as A1, apprehending arrest at
the hands of the respondent police for the offences punishable under
section 379 of I.P.C., and Section 21(1) of the Mines and Minerals
Act (Development and Regulation Act, 1957) in Crime No.19 of 2020 on
the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner along with
other accused illegally transported three units of river sand by
using tipper lorry. Hence, a complaint.

4.The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent and that the co accused, was
released on anticipatory bail by the learned Principal Sessions
Judge, Pudukottai in Cr.M.P.No.729 of 2020. He would further submit
that the petitioner did not commit any offence as alleged by the
prosecution and he has been falsely implicated in this 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.20,000/- (Rupees Twenty Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Pudukottai Medical College Hospital, Pudukottai', for the purpose of providing facilities to the Health workers.

5. The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that the petitioner and other accused illegally transported three units of river sand in a tipper lorry. Further, the learned Additional Public Prosecutor would submit that investigation in this case is pending.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to pay a sum of Rs.20,000/- to the Medical College, Pudukottai, this Court is inclined to grant anticipatory bail to the petitioner on 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, Illupur, Pudukottai 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.20,000/- (Rupees Twenty Thousand Only), by way of Demand Draft, in favour of 'The Dean, Thoothukudi Medical College Hospital, Thoothukudi', on or before 10.07.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, 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 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;

(iv) The petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders, for interrogation.

(v) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(vi) The petitioner shall not abscond either during investigation or trial;

(vii) 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;



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

sd/-
25.06.2020

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

AAV

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 Judicial Magistrate, Illupur,
Pudukottai District.
2. -Do- Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Sub-Inspector of Police,
Karaiyur Police Station, Pudukottai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

- 1 The Dean,
Pudukottai Medical College Hospital,
Pudukottai',
- 2 The Dean,
Thoothukudi Medical College Hospital,
Thoothukudi.

ORDER
IN

CRL OP(MD) No.6434 of 2020
Date : 25/06/2020

VB SKN SAR 3 (29.06.2020) 3P 7C