



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2020

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6246 of 2020

1. Samraj
2. Rassalraj ... Petitioners/Accused No.1&2

Vs

The State Rep by its
The Sub Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.
(Crime No.748 of 2020). ... Respondent/Complainant

For Petitioners : M/s. K.P.Narayanakumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharthi
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

for Bail in Crime No.748 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(Crl. Side) appearing for the respondent.

2. The petitioners are arrayed as A1 and A2. They were arrested and remanded to Judicial Custody on 01.06.2020 for the offences punishable under sections 379 I.P.C r/w Section 21(1) Mines and Minerals (Development Regulation) Act in Crime No.748 of 2020 on the file of the respondent police. They seek bail.

3. The case of the prosecution is that on 01.06.2020, during



the patrol, the de-facto complainant found that the petitioners collected sand from river bed and filled the same in four cement bags without any authority or permission. Hence, a complaint has been lodged.

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4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Further, the learned counsel, on instructions from the petitioners, would submit that without any prejudice his rights, the petitioners are jointly 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, Kanyakumari Medical College, Kanyakumari District', 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 the petitioners are illegally taking the river sand without any permit.

6. Considering the fact and circumstances and considering the fact that the petitioners are taking river sand only in cement bags, I am inclined to enlarge the petitioners on bail with certain conditions.

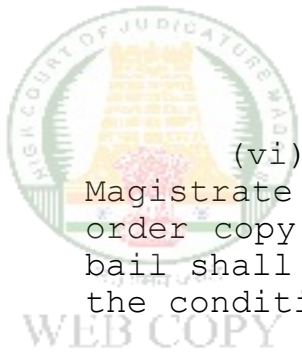
(i) Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Kuzhithurai and on executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned;

(ii) The petitioners are directed to pay a sum of Rs.20,000/- (Rupees Twenty Thousand Only), by way of Demand Draft, in favour of 'The Dean, Kanyakumari Medical College, Kanyakumari District', on or before 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice their rights, 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 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 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;

(v) if the accused thereafter absconds, a fresh FIR can be
<https://hsevisitors.in/hsevisitors/> Section 229-A IPC.



(vi). 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. The petitioners 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.I,
KUZHITHURAI.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER IN-CHARGE,
SUB JAIL, KUZHITHURAI.

COPY TO:-

THE DEAN,
KANNIYAKUMARI MEDICAL COLLEGE,
KANNIYAKUMARI DISTRICT.

ORDER
IN
CRL OP(MD) No.6246 of 2020
Date :15/06/2020

SKN/MPK
TE/VR/SAR-III : 15/06/2020 : 3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>