



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: 16/06/2020

PRESENT:

The Hon'ble Mr. Justice M.DHANDAPANI

CRL OP(MD).No.6273 of 2020

Poosaidurai ... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Devipattinam Police Station,
Ramnad District
(Crime No. 147 of 2020). ... Respondent/Complainant

For Petitioner : M/s A.Uthayakumar,
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.147 of 2020 on the file of the respondent police.

ORDER: The Court made the following order :-

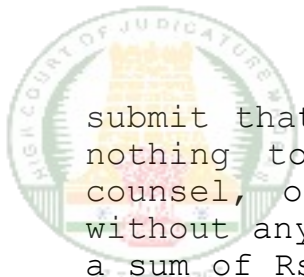
Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 457 and 381 of I.P.C., in Crime No.147 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner A2 along with one Kottaisamy/A1 was working as salesman at a TASMAL outlet. Due to the nation-wide lock down, all the TASMAL shops were shut down. During the shut down time, the petitioner along with A1 stole the IMFL liquor bottles from the TASMAL shop, worth Rs.7,72,000/- and sold the same in black market, thereby creating a loss to the Government. Hence, the TASMAL Authority has preferred a complaint against A1 for his act of stealth. The petitioner herein, who is arrayed as A2 in this case apprehending arrest at the hands of the respondent police has moved this petition.

4. The learned counsel appearing for the petitioner would

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submit that the petitioner is arrayed as A2 in this case and he is nothing to do with the alleged offence. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to his rights, the petitioner is ready to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Ramanathapuram Medical College Hospital, Ramanathapuram', for the purpose of providing facilities to the Health workers.

5. The learned Government Advocate (crl.side) appearing for the respondent State, on instructions, would submit that the petitioner along with other accused A1, illegally sold the liquor. On search, the respondent Police recovered Rs.6,55,000/- cash and major part of the stolen property was also recovered. He would further submit that the balance amount of Rs.1,17,000/- (Rupees One Lakh and Seventeen Thousand only) is yet to be deposited before the TASMAG Authorities by the petitioner and the other accused, A1 in this regard. He also brought to the notice of this Court that the co-accused A1 has been enlarged on bail by this Court vide its order dated 16.06.2020 in CRL OP(MD).No.6270 of 2020.

6. In the view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] the petitioner/ A2 is directed to comply with the order passed in CRL OP(MD).No.6270 of 2020 dated 16.06.2020, whereby the petitioner therein A1 and A2, petitioner herein, are directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) each, totally a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft, in favour of 'The Dean, Ramanathapuram Medical College Hospital, Ramanathapuram', on or before 30.06.2020, 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;

[b]the petitioner/A2 is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, No.I, Ramanathapuram 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;

[c] the petitioner/A2 shall appear before the respondent police as and when required for interrogation;

[d] The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously;

[e] 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

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



7. The petitioner/A2 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.

WEB COPY

sd/-
16/06/2020

/ TRUE COPY /

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilised 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 NO I,
RAMANATHAPURAM DISTRICT.
- 2 -DO- THRO
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION,
RAMNAD DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

Copy to:
THE DEAN,
RAMANATHAPURAM MEDICAL COLLEGE HOSPITAL,
RAMANATHAPURAM.

ORDER
IN
CRL OP(MD) No.6273 of 2020
Date :16/06/2020

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

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