



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.6342 of 2020

Selvaraj

... Petitioner/A2

Vs

State Rep.by
The Sub Inspector of Police,
Avudaiyarkovil Police Station,
Pudukkottai District.
Crime No.426/2020

... Respondent/Complainant

For Petitioner : Mr.R.Prasanna,
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.426 of 2020 on the file of the respondent police.

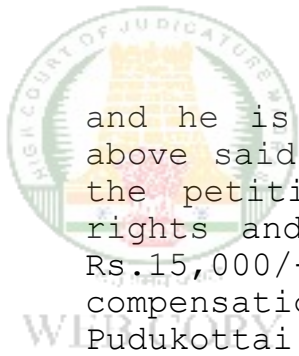
ORDER : The Court made the following order :-

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 section 379 IPC r/w Sections 21(1), 21(2) of Mines nad Minerals (Development and Regulation) Act 1957 r/w Section 51(b) of Disaster Management Act in Crime No.426 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 12.06.2020 the respondent police were in routine checkup near Vilanoor and he has found that the accused persons were involved in a theft of one unit of sand. The properties were recovered.

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.15,000/- (Rupees Fifteen Thousand only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Pudukottai Medical College Hospital, Pudukottai 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.

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, Aranthangi 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.15,000/- (Rupees Fifteen Thousand Only), by way of Demand Draft, in favour of 'The Dean, Pudukottai Medical College Hospital, Pudukottai District', on or before 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice to his rights and contentions, since the 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/-
18/06/2020

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WEB COPY

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

TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
AVUDAIYARKOVIL POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
PUDUKOTTAI MEDICAL COLLEGE HOSPITAL,
PUDUKOTTAI DISTRICT.

ORDER
IN
CRL OP(MD) No.6342 of 2020
Date :18/06/2020

MS/PN/SAR-2/22.06.2020/3P.6C