



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/06/2020

PRESENT

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

CRL OP(MD) . No.6349 of 2020

SELVARAJ

... PETITIONER/ACCUSED NO.1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
KALLAKUDI POLICE STATION,
TRICHY DISTRICT
(CRIME NO. 731 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.Elumalai,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

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

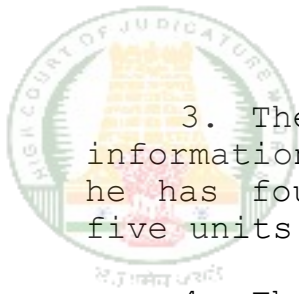
PRAYER :-

For Anticipatory Bail in Crime No. 731 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, Section 21(1) of Mines nad Minerals (Development and Regulation) Act 1957 and Sections 129, 130 of Motor Vehicles Act, 1988 in Crime No.731 of 2020 on the file of the respondent police, seeks anticipatory bail.



3. The case of the prosecution is that on receipt of secret information, the respondent police conducted a vehicle check up and he has found that the accused persons were illegally transported five units of sand. Hence, the complaint.

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.75,000/- (Rupees Seventy Five Thousand only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Trichy Medical College Hospital, Trichy 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, Lalgudi, Trichy 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.75,000/- (Rupees Seventy Five Thousand Only), by way of Demand Draft, in favour of 'The Dean, Trichy Medical College Hospital, Trichy 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

/ TRUE COPY /

/ /2020

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

TO

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
KALLAKUDI POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN,
TRICHY MEDICAL COLLEGE HOSPITAL,
TRICHY DISTRICT.

ORDER
IN
CRL OP(MD) No.6349 of 2020
Date :18/06/2020

STS
JM/PN/SAR 3/22.06.2020/3P/6C