



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6387 of 2020

1. Elangovan
2. Sundharam @ Sundarapandian
3. Raja ... Petitioners/Accused Nos.5,7 and 9

Vs

State Rep.by
The Sub Inspector of Police,
Illupur Police Station,
Pudukkottai District.
Crime No.40/2020. ... Respondent/Complainant

For Petitioners: M/s.P.Ganapathi Subramainan,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

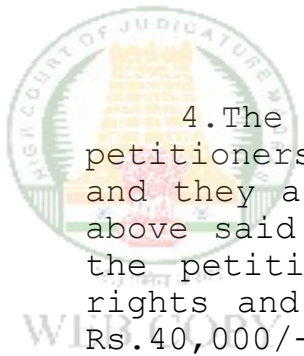
For Anticipatory Bail in Crime no.40 of 2020 on the file of the respondent police.

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 apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C. and Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.40 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioners along with other accused have illegally transported two unit of river sand in their tipper lorry bearing Reg.No.TN-63-AT-6232. Hence, a complaint has been lodged.



4.The learned counsel for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and they are innocent and they have been falsely implicated in the above said case. Further, the learned counsel, on instructions from the petitioners, would submit that without any prejudice their rights and contentions, the petitioners are ready to pay a sum of Rs.40,000/- (Rupees forty thousand only) jointly, as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Pudukkottai Medical College Hospital, Pudukkottai 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 petitioners, since investigation is at the initial stage.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners 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 District Munsif cum Judicial Magistrate, Illupur, Pudukkottai District, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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.40,000/- (Rupees forty thousand only) jointly, by way of Demand Draft, in favour of **'The Dean, Pudukkottai Medical College Hospital, Pudukkottai District'**, on or before 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice 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 petitioners shall appear before the respondent police as and when required 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 registered under Section 229-A IPC.



7.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.

8.The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
19/06/2020

/ 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 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPUR, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ILLUPUR POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
PUDUKKOTTAI MEDICAL COLLEGE HOSPITAL,
PUDUKKOTTAI DISTRICT.

ORDER
IN
CRL OP(MD) No.6387 of 2020
Date :19/06/2020

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