



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.6409 of 2020

Rayappan

... Petitioner/Sole Accused

Vs.

State rep. By
The Inspector of Police,
Masarpatti Police Station,
Tuticorin District.
(Crime No.77 of 2020)

... Respondent/Complainant

For Petitioner : M/s.C.Mayil Vahana Rajendran,
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.77 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 379 of IPC and Section 21(1) of Mines and Minerals (Development and Regulation) Act in Crime No.77 of 2020, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the de facto complainant, namely Muthuraj, Village Administrative Officer (Additional Incharge), Keelnattukurichi lodged a complaint before the respondent police stating that on 05.06.2020, during the routine check up, a tipper lorry bearing registration No.TN 46 A 8431 was



signaled to stop but on seeing the police, the driver abandoned the vehicle and ran away. The respondent police seized the vehicle and recovered two units of river sand. Hence, the complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner is the sole accused in this case and he is nothing to do with the alleged offence. Further, the learned counsel, on instructions from the petitioners, would submit that without any prejudice to their rights, the petitioners are ready to pay a sum of Rs.40,000/- (Rupees Forty Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Tuticorin Medical College Hospital, Tuticorin', 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 investigation is pending.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Villathikulam and on him 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 petitioner is directed to pay a sum of Rs.40,000/- (Rupees Forty Thousand Only), by way of Demand Draft, in favour of 'The Dean, Tuticorin Medical College Hospital, Tuticorin', 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;

(iii) The petitioner 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 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. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

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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 JUDICIAL MAGISTRATE, VILLATHIKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
MASARPATTI POLICE STATION, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO;
THE DEAN,
TUTICORIN MEDICAL COLLEGE HOSPITAL,
TUTICORIN.

ORDER
IN
CRL OP(MD) No.6409 of 2020
Date :19/06/2020

MS/RSK/SAR-3/24.06.2020/3P.6C