



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

Date: **19/06/2020**

PRESENT:

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6433 of 2020

1. Ravi,
2. Muneeswaran, ... Petitioners/Accused Nos.1 & 3

Vs.

State through
The Inspector of Police,
Ramanathapuram District.
Crime No.332/2020. ... Respondent/Complainant

For Petitioner : M/s.R.Maheswaran, Advocate.

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

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

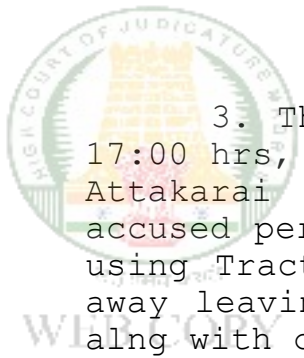
PRAYER :-

For Anticipatory Bail in Crime No.332 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 petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC and Section 21(4) of Tamil Nadu Mines and Minerals (Development and Regulation) Act in Crime No.332 of 2020, on the file of the respondent police, seek anticipatory bail.



3. The case of the prosecution is that on 15.06.2020 at about 17:00 hrs, when the de fct complainant conducted usual check up near Attakarai Karuppasamy Kovil South, they came to know that the accused persons were illegally trying to transport one unit of sand using Tractor. On seeing the police party, the accused persons ran away leaving behind the vehicle. The respondents seized the vehicle along with one unit of sand. Hence, the complaint.

4. The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as accused no. 1 and 3 in this case and they have 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.30,000/- (Rupees Thirty 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 there are three previous cases pending against the accused persons and the investigation is pending.

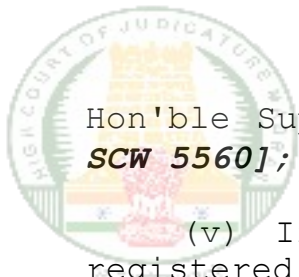
6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate II, Ramanathapuram and on them 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.30,000/- (Rupees Thirty Thousand 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;

(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 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.

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

sd/-
19/06/2020

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/ /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 NO.II, RAMANATHAPURAM.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
3. THE INSPECTOR OF POLICE, UCHIPULI POLICE STATION,
RAMANATHAPURAM 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.6433 of 2020
Date :19/06/2020

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AE/PN/SAR-III (23.06.2020) 3P 6C

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