



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

Date : 22/06/2020

PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6492 of 2020

1. Veeramani,
2. Dinesh, ... Petitioners/Accused 1 & 2

Vs

State through
The Inspector of Police,
Bhoothalur Police Station,
Thanjavur District.
Crime No.630 of 2020 ... Respondent/Complainant

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

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

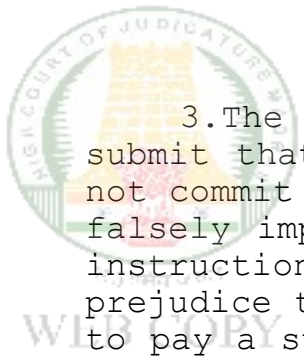
For Anticipatory Bail in Crime No. 630 of 2020 on the file of
the Respondent Police

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 Section 21(4) of the Mines and Minerals (Development and
Regulation)Act, 1957 in Crime No.630 of 2020 on the file of the
respondent police, seek anticipatory bail.

3.The case of the prosecution is that the petitioners were said
to have illegally transported ½ units of river sand by using TATA
ACE. Hence, a complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that they did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, the learned counsel, on instructions from the petitioners, would submit that without any prejudice to their rights and contentions, the petitioners are ready to pay a sum of Rs.5,000/- (Rupees Five Thousand Only) each (totally a sum of Rs.10,000/-), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur', for the purpose of providing facilities to the Health workers.

4.The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that the petitioners illegally transported ½ unit of river sand. Further, the learned Additional Public Prosecutor would submit that the vehicle was seized and that no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are ready to pay a sum of Rs.5,000/- each to the Medical College, Thanjavur, this Court is inclined to grant anticipatory bail to the petitioners on 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 Court, Thiruvaiyaru, Thanjavur District and on his 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.5,000/- (Rupees Five Thousand Only) each (Totally a sum of Rs.10,000/-), by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur', on or before 07.07.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice their 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 sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(iv)The petitioners shall report before the respondent Police daily at 10.00 a.m., until further orders, for interrogation.

(v)The petitioners shall not tamper with evidence or witness either during investigation or trial;



(vi) The petitioners shall not abscond either during investigation or trial;

(vii) 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;

(viii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/06/2020

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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,
THIRUVAIYARU, THANJAVUR DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
BHOOTHALUR POLICE STATION, THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE DEAN, THANJAVUR MEDICAL COLLEGE HOSPITAL, THANJAVUR

ORDER

IN

CRL OP(MD) No.6492 of 2020

Date : 22/06/2020

GNS

AE/RSK/SAR-II (24.06.2020) 3P 6C

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