



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2020

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PRESENT

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

CRL OP(MD) . No.6437 of 2020

1. Murugan
2. Senthilkumar
3. Sudhakar

... Petitioners/Accused 1 to 3

Vs

State Rep.by
The Sub Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
In Crime No.92 of 2020

... Respondent/Complainant

For Petitioner : M/s.G.Mathavan,
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. 92 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 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 Mines and Minerals Act in Crime No.92 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that when the respondent police conducted routine patrol, they found that an Ashok Leyland Tipper Lorry bearing Registration No.TN-04-B-8110 involved in illegal sand mining with two units of river sand and on seeing the



police party, the driver of the vehicle was run away from the spot leaving the vehicle. After investigation, the respondent police came to know that the said vehicle is belonging to the first petitioner and the other petitioners are the driver and cleaner of the vehicle. Hence, the complaint.

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4. The learned counsel appearing for the petitioners submitted that the allegation in the complaint are all false. He would further submit that the petitioner did not commit any offence as alleged by the prosecution. 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), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur District', for the purpose of providing facilities to the Health workers.

5. The learned Government Advocate (Criminal Side) submitted that the petitioners had taken two Units river sand without any valid permit.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner 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 Judicial Magistrate, Papanasam, Thanjavur District and on their 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 petitioners are directed to pay a sum of Rs.40,000/- (Rupees forty Thousand Only), by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur District', on or before 30.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice their 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 for a period of two weeks daily at 10.00 a.m and thereafter, 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 petitioners released on bail by the learned Magistrate/Trial Court themselves 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.

TO

1. THE JUDICIAL MAGISTRATE, PAPANASAM,
THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUB INSPECTOR OF POLICE,
AMMAPETTAI 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 DISTRICT

ORDER
IN
CRL OP(MD) No.6437 of 2020
Date :19/06/2020

MS/PN/SAR-3/23.06.2020/3P.6C