



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

Date : 19/06/2020

WEB COPY

PRESENT
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL OP(MD) . No.6422 of 2020

ANTHONY SELVAM

... PETITIONER/ACCUSED NO.4

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 244 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.S.Sathya Chidambaram,
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. 244 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 section 379 of
I.P.C., in Crime No.244 of 2020 on the file of the respondent
police, seeks anticipatory bail.

3.The case of the prosecution is that on 20.05.2020, based on
the secret information, the respondent police went to place
occurrence i.e., Durai Vathiyar Kulam. At that time, they found the
accused persons loaded 1 unit Pond Gravel Soil illegally without any
valid permit by using JCB. On the seeking the police, they were
seized. Hence, the complaint.



4.The learned counsel appearing for the petitioner 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 petitioner, would submit that without any prejudice his rights and contentions, the petitioner is 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, Tirunelveli Medical College Hospital, Tirunelveli District', for the purpose of providing facilities to the Health workers.

5. The learned Government Advocate(Criminal Side) submitted that the petitioner had taken one Unit Pond Gravel Soil from Durai Vathiyar Kulam 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, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District and on his 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 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, Tirunelveli Medical College Hospital, Tirunelveli 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 petitioner 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 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



8.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.

TO

- 1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MUKKUDAL POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN,
TIRUNELVELI MEDICAL COLLEGE HOSPITAL,
TIRUNELVELI DISTRICT.

ORDER
IN
CRL OP(MD) No.6422 of 2020
Date :19/06/2020

SKN
JM/PN/SAR 2/23.06.2020/3P/6C