



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.6449 of 2020

1. Mahesh @ Chinnamuthu,
2. Abraham @ Aravind, ... Petitioners/Accused Nos.1 and 2

Vs

State rep.by
The Inspector of Police,
Eral Police Station,
Tuticorin District
Crime No. 290 of 2020. ... Respondent/Complainant

For Petitioners : Mr.R.Balamurugan,
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. 290 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 Sections 379 of
IPC r/w 21(1) Mines and Minerals (Development and Regulation) Act in
Crime No.290 of 2020, on the file of the respondent police, seek
anticipatory bail.



3. The case of the prosecution is that on 26.05.2020 the respondent police has conducted the vehicle check up and found that the accused persons were involved to transport one unit of river sand in mini lorry. Hence, the complaint.

4. The learned counsel appearing for the petitioners would submit that the petitioners are arrayed as A1 and A2 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.20,000/- (Rupees Twenty 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.

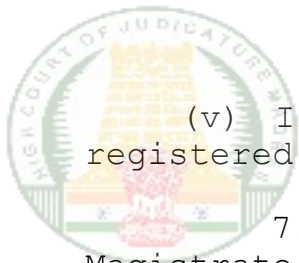
6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i) Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Srivaikundam, Tuticorin District and on their 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.20,000/- (Rupees Twenty Thousand Only), by way of Demand Draft, in favour of 'The Dean, Tuticorin Medical College Hospital, Tuticorin', on or before 29.06.2020, 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 daily at 10.00 a.m., for a period of two weeks 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 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 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.

8. The petitioners 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,
SRIVAİKUNDAM, THOOTHUKUDI DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ERAI 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.6449 of 2020
Date :19/06/2020

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