



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

Date : 19/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.6466 of 2020

P.S.Thirupathy ... Petitioner/Accused No.4

Vs

STATE REP. BY
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District,
Crime No. 227 of 2020. ... Respondent/Complainant

For Petitioner : M/s.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. 227 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
(sand theft) of I.P.C., in Crime No.227 of 2020, on the file of the
respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner along with
three accused have illegally transported two unit of river sand in
their lorry bearing Reg.No.TN-69-U-8182. Hence, a complaint has been



4.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent and he has been falsely implicated in the above said case. 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) has opposed to grant bail to the petitioner, since investigation is at the initial stage.

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 Court No.III, 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 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his 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 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 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 stand dismissed.

8.The petitioner 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.

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.III,
TIRUNELVELI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
TIRUNELVELI TALUK 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.6466 of 2020
Date :19/06/2020

sjj
JM/PN/SAR 2/22.06.2020/3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>