



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6475 of 2020

Suresh @ Sureshkumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kurumbur Police Station,
Tuticorin District.
Crime No.24/2020

... Respondent/Complainant

For Petitioner : M/s.R.Balamurugan,
Advocate.

For Respondent : M/s.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.24 of 2020 on the file of the respondent police.

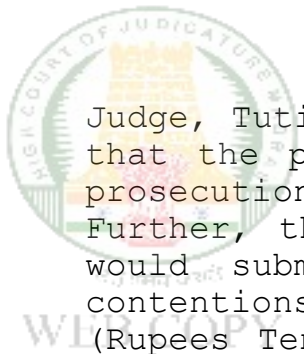
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner, who is arryaed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., r/w Section 21(1) of the Mines and Minerals Act (Development and Regulation Act, 1957) in Crime No.24 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner and other accused illegally transported two units of river sand by using mini lorry. Hence, a complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and that the co accused, was released on anticipatory bail by the learned Prinicipal Sessions



Judge, Tuticorin in Cr.M.P.No.1042 of 2020. He would further submit that the petitioner 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 petitioner, would submit that without any prejudice to his rights and contentions, the petitioner is ready to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Thoothukudi Medical College Hospital, Thoothukudi', for the purpose of providing facilities to the Health workers.

5.The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that the petitioner and other accused illegally transported two units of river sand in a mini lorry. Further, the learned Additional Public Prosecutor would submit that investigation in this case is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to pay a sum of Rs.10,000/- to the Medical College, Thoothukudi, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions:-

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, Srivaikundam, Tuticorin 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;

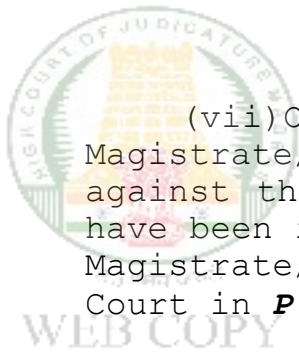
(ii)The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only), by way of Demand Draft, in favour of 'The Dean, Thoothukudi Medical College Hospital, Thoothukudi', on or before 07.07.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, 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 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 petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders, for interrogation.

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

(vi)The petitioner 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 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;

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

sd/-

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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, SRIVAİKUNDAM,
TUTICORIN DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
THOOTHUKUDI MEDICAL COLLEGE HOSPITAL,
THOOTHUKUDI.

ORDER

IN

CRL OP(MD) No.6475 of 2020

Date : 22/06/2020

MS/RSK/SAR-3/24.06.2020/3P.6C

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