



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6473 of 2020

Palanisamy,

... Petitioner/Accused No.3

Vs

State rep.by its
The Inspector of Police,
TMCH Police Station,
Thanjavur District.
(Crime No. 41 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Deenadhayalan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

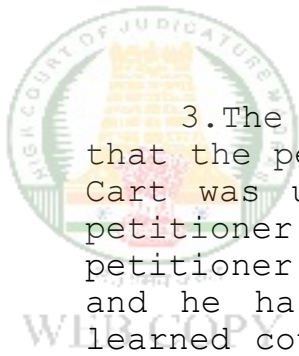
For Anticipatory Bail in Crime No. 41 of 2020 on the file of the respondent police

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 A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 379 of I.P.C., r/w Section 21(1) of the Mines and Minerals (Development & Regulation Act)1957 in Crime No.41 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 11.03.2020, at about 09.45 a.m., the respondent police was intercepted three Bullock Carts and it was found ¼ units river sand. Hence, a complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and that the petitioner's Bullock Cart was used by A1 and A2 for agriculture purpose and that the petitioner is aged about 71 years. 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 Fifteen Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Thanjavur Medical College Hospital, Thanjavur', for the purpose of providing facilities to the Health workers.

4.The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that when the respondent police intercepted three Bullock Carts, found $\frac{1}{4}$ unit river sand was illegally transported and subsequently, A1 and A2 were arrested. Further, the learned Additional Public Prosecutor would submit that this petitioner is a owner of the Bullock Carts and that no previous case is pending against him.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to offer a sum of Rs.10,000/- to the Medical College, Thanjavur, 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 No.II, Thanjavur 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, Thanjavur Medical College Hospital, Thanjavur', 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;

WEB COPY (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/-
22/06/2020

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/ /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.II, THANJAVUR.
2. DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
3. THE INSPECTOR OF POLICE,
TMCH 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.

ORDER
IN
CRL OP(MD) No.6473 of 2020
Date :22/06/2020

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

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



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