



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD). No.6554 of 2020

Sathish Kumar

... Petitioner

Vs

State Rep.by
The Inspector of Police,
Ammapettai Police Station,
Tanjore District.
Crime No.723/2020.

... Respondent

For Petitioner : M/s.P.Edinbrough,
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.723 of 2020 on the file of the respondent police.

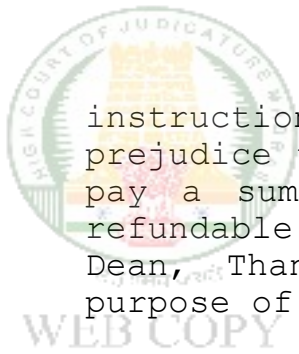
ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C. r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.723 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that the petitioner is said to have illegally transported half unit of river sand by using Tata Ace. Hence, a complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and that he 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.20,000/- (Rupees Twenty 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.

5.The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that the petitioner illegally transported half unit of river sand. Further, the learned Additional Public Prosecutor would submit that the vehicle was seized and that no previous case is pending against the petitioner.

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.20,000/- 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 District Munsif Cum Judicial Magistrate Court, Papanasam, Thanjavur District, 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.20,000/- (Rupees Twenty 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION, TANJORE 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.6554 of 2020

Date : 23/06/2020

MS/PN/SAR-3/25.06.2020/3P.6C