



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6532 of 2020

1. Saravanan,
2. Sarathkumar, ... Petitioners/Accused Nos.1 & 2

Vs

State rep.by
The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
Crime No.128 of 2020. ... Respondent/Complainant

For Petitioners : M/s.T.Indrachithu,
Advocate.

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

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

PRAYER :-

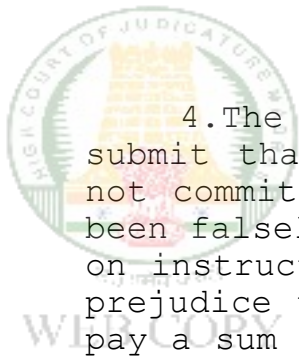
For Anticipatory Bail in Crime No. 128 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

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

2. The petitioners 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 Mines and Minerals (Development and
Regulation) Act, 1957, in Crime No.128 of 2020 on the file of the
respondent police, seek anticipatory bail.

3.The case of the prosecution is that the petitioners are said
to have illegally transported one unit of river sand by using Van.
Hence, a complaint.



4.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and that they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, the learned counsel, on instructions from the petitioners, 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) each 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 petitioners illegally transported one 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 first petitioner and there is similar offence of sand theft against the first petitioner.

6.Considering the facts and circumstances of the case and also considering the fact that the first 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 first petitioner on certain conditions:-

(i) Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Papanasam, Thanjavur District, on their 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 first 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 first petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders, for interrogation.

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



(vi)The first 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 first 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.

7.This criminal original petition is allowed as far as the first petitioner is concerned and dismissed as regards the second petitioner.

sd/-
23/06/2020

/ 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, PAPANASAM, THANJAVUR.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE,
AMMAPET 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.6532 of 2020
Date :23/06/2020

IAS

AE/PN/SAR-II (25.06.2020) 3P 6C

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