



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD). No.6598 of 2020

1. Shanmuganathan
2. Kamalesh

... Petitioners/Accused No.1 and 2

Vs

The State rep. by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Cr.No.287/2020.

... Respondent/Complainant

For Petitioners : Mr. D.Rameshkumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail Crime No.287 of 2020 on the file of the
Respondent Police

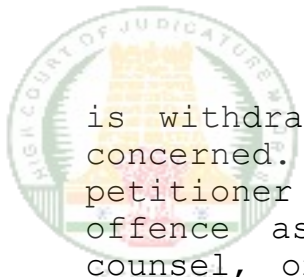
ORDER : The Court made the following order :-

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., and Section 21(1) of the Mines and Minerals Act (Development
and Regulation Act, 1957) in Crime No.287 of 2020 on the file of the
respondent police, seek anticipatory bail.

3.The case of the prosecution is that the petitioners illegally
transported 3/4 unit of savadu sand by using Tractor. Hence, a
complaint.

4.The learned counsel for the petitioners would submit that he



is withdrawing the petition insofar as the first petitioner is concerned. He further submitted that insofar as the second petitioner is concerned he is an innocent and he did not commit any offence as alleged by the prosecution. Further, the learned counsel, on instructions from the second petitioner, would submit that without any prejudice to his rights and contentions, the second 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, Government Hospital, Ramanathapuram', 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 3/4 unit of savadu sand in a tractor. Further, the learned Additional Public Prosecutor would submit that there is no previous case pending against the second petitioner.

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

(i) Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Ramanathapuram 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 second 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, Government Hospital, Ramanathapuram', 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 second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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 second 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 second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

9.As regards the first petitioner, this petition is dismissed as withdrawn.

WEB COPY

/ TRUE COPY /

sd/-
24/06/2020

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I
RAMANATHAPURAM DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE DEAN,
GOVERNMENT HOSPITAL,
RAMANATHAPURAM.

ORDER
IN
CRL OP(MD) No.6598 of 2020
Date :24/06/2020

PD/VR/SAR 2/29.06.2020/3P/6C