



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.6656 of 2020

1. Vellaisamy
2. Karthick

... Petitioners/Accused Nos.2 & 3

Vs

State Rep.by
The Sub Inspector of Police,
Thirugokarnam Police Station,
Pudukkottai District.
Crime No.546 of 2020.

... Respondent

For Petitioners: M/s.P.Ganapathi Subramanian,
Advocate.

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

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

PRAYER :-

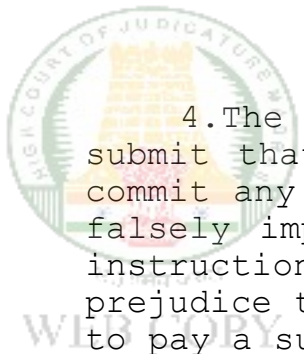
To enlarge the petitioners on Bail in Cr.No.546 of 2020 on the file of the respondent police in the event of arrest or surrender before the concerned Judicial Magistrate Court.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) 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 Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation)Act, 1957 in Crime No.546 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that the petitioners and other accused were said to have illegally transported river sand by using bullock cart. Hence, a complaint.



4.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and 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 their rights and contentions, the petitioners are ready to pay a sum of Rs.5,000/- (Rupees Five Thousand Only)each, (Totally a sum of Rs.10,000/-) as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Government Hospital, Pudukkottai', for the purpose of providing facilities to the Health workers.

5.The learned Additional Public Prosecutor would submit that investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that the petitioners are ready to pay a sum of Rs.5,000/- each to the Government Hospital, Pudukkottai, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions:-

(i)Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Pudukkottai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

(iii)The petitioners are directed to pay a sum of Rs.5,000/- (Rupees Five Thousand Only)each, (Totally a sum of Rs.10,000/-) by way of Demand Draft, in favour of 'The Dean, Government Hospital, Pudukkottai', on or before 07.07.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice their 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, failing which, anticipatory bail granted to the petitioner shall stand cancelled automatically;

(iv)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble



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

7.The petitioners 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 petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
26/06/2020

/ 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 NO.II, PUDUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN,
GOVERNMENT HOSPITAL,
PUDUKKOTTAI.

ORDER
IN
CRL OP(MD) No.6656 of 2020
Date :26/06/2020

MS/PN/SAR-2/06.07.2020/3P.6C