



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.6681 of 2020

1. Arumugam

2. Nesamanickam

... Petitioners/Accused No.1 and 2

Vs

The State rep. by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
(Cr.No. 334 of 2020).

... Respondent/Complainant

For Petitioners : Mr. M.Prabhu,
Advocate.

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

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

PRAYER :-

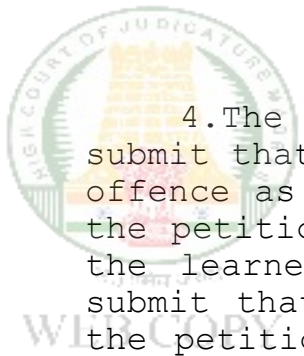
To enlarge the Petitioners on bail in the event of their arrest in connection with the case in Cr.No.334 of 2020 on the file of the Respondent Police and pass orders.

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 sections 379 of I.P.C., r/w Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957 in Crime No. 334 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 illegally transported the river sand by using Tractor. Hence, a complaint.



4.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they did not commit any offence as alleged by the prosecution. He would further submit that the petitioners 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.10,000/- (Rupees Ten Thousand only) each, totally a sum of Rs.20,000/- (Rupees Twenty Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Government Hospital, Thoothukudi District', 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 that there is no previous case pending against the petitioners.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions:-

(i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Kovilpatti, and on their executing 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 learned Magistrate concerned;

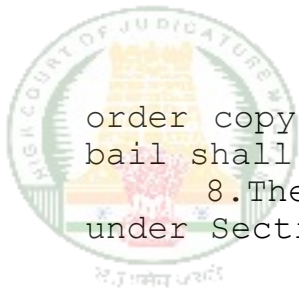
(ii)The petitioners are directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each, totally a sum of Rs.20,000/- (Rupees Twenty Thousand Only), by way of Demand Draft, in favour of 'The Dean, Government Hospital, Thoothukudi', on or before 07.07.2020, for the purpose of providing facilities 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 petitioners shall stand cancelled automatically;

(iii) The petitioners 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 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 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 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.

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE DEAN,
GOVERNMENT HOSPITAL,
THOOTHUKUDI.

ORDER
IN
CRL OP(MD) No.6681 of 2020
Date :26/06/2020

PD/VR/SAR 2/30.06.2020/3P/6C