



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 26/06/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP (MD) . No.6684 of 2020

Krishnamoorthy

... Petitioner/Accused No.2

Vs

State rep. by,
The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
(In Crime No.351 of 2020)

... Respondent

For Petitioner : Mr. P.Ganapathi Subramanian,
Advocate.

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

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

PRAYER :-

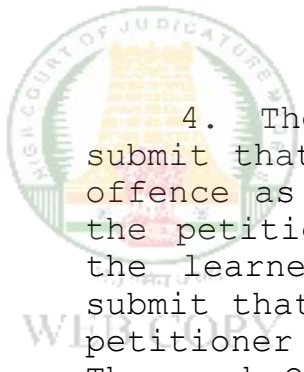
To enlarge the petitioner on Bail in Cr.No. 351 of 2020 on the file of the respondent police in the event of arrest or surrender before the concerned Judicial Magistrate.

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., and Sections 21(1) and 21(2) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.351 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner and other accused illegally transported two unit of river sand by using a tipper lorry. Hence, a complaint.



4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner 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, Government Hospital, Pudukkottai', 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 and other accused illegally transported two unit of river sand. Further, the learned Additional Public Prosecutor would submit that there is no previous case 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 Government Hospital, Pudukkottai, 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, Illupur, Pudukkottai District 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 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, 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 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, failing which anticipatory bail granted to the petitioner shall stand cancelled automatically;

(iii) The 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 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**



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

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

sd/-
26/06/2020

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ILLUPUR,
PUDUKKOTTAI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
PUDUKOTTAI 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.6684 of 2020
Date :26/06/2020

CP

<https://hcservices.ecourts.gov.in/hcservices/> SRS/ JC/ SAR-IT/ 30.06.2020/ 3P/6C