



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

Date : 08/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11188 of 2019

Gundu @ Gundu Prabakaran

...Petitioner/Sole Accused

Vs

State Represented by,
The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam, Thanjavur District.
Crime No.204 of 2019.

... Respondent/Complainant

For Petitioner : M/s.A.Thiruvadi Kumar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 204 of 2019 on the file of the
Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offence punishable under Section 379 IPC
r/w21(4) of Mines and Minerals (Development and Regulation) Act,
1957, seeks anticipatory bail.

2.Heard both side.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner is an innocent person and he did not
commit any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor appearing for the
respondent police has submitted that the petitioner illegally
transported quarter unit of sand through his bullock cart and hence,
he opposed this petition. However, he fairly conceded that the
petitioner is not having any previous case.



5. Taking into consideration of the fact that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his 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, Kumbakonam on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] before executing the bond, the petitioner shall deposit a sum of Rs.3750/- (Rupees Three Thousand Seven Hundred and Fifty only) to the credit of Crime No.204 of 2019 before the learned Judicial Magistrate No.II, Kumbakoanam, without prejudice to his contentions.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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 SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/08/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO II,
KUMBAKONAM.
 2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.A.THIRUVADI KUMAR Advocate SR.No.13284

ORDER
IN
CRL OP(MD) No.11188 of 2019
Date :08/08/2019

gns
TK/VR/SAR.1/19.08.2019/3P/6C