



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

Date : 28/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.1334 of 2020

WEB COPY

U.Sundharapandian

... Petitioner/Accused No.I

Vs

State rep. by
The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District
(Cr No.113/2019)

... Respondent/Complainant

For Petitioner : M/s.K.Praveen Kumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory bail in Crime No.113 of 2019 on the file of
the respondent police

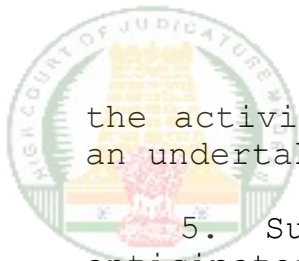
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences under section 379 of I.P.C. r/w.
Section 21(1) of Mines and Minerals (Development and Regulation)
Act, in Crime No.113 of 2019 on the file of the respondent police,
seek anticipatory bail.

3. The learned Government Advocate (Crl. Side) pointed out that
the petitioner is having two previous case of the same nature.

4. Normally I decline to grant relief when the petitioner is
having previous case of same nature. But the petitioner's counsel
pointed out that the petitioner is only a driver and that the owners
have been arrested and released. The petitioner further undertakes
that he will quit driving of sand lorries. In other words, the
petitioner's avocation as driver can of course continue but then he
will not drive lorries engaged in transportation of sand. If this
undertaking is breached the benefit conferred by this order will
be automatically null and void. The respondent police shall monitor



the activities of the petitioner. The petitioner agrees to execute an undertaking affidavit to this effect before the Court below.

5. Subject to these conditions, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Karaikudi, 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 and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. 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.

sd/-
28/01/2020

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

TO

1 THE JUDICIAL MAGISTRATE
KARAIKUDI

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALAGAPPAPURAM POLICE STATION,
SIVAGANGAI DISTRICT

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

+1. CC to M/S.K.PRAVEEN KUMAR Advocate SR.No.1816

ORDER
IN
CRL OP(MD) No.1334 of 2020
Date :28/01/2020

MK/SKN/SAR 4(31.01.2020) 2P 6C