



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

Date : 09/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN  
CRL OP(MD). No.7142 of 2020

Gunasekaran

... Petitioner/Sole Accused

Vs

The State rep by  
The Inspector of Police,  
Tamil University Police Station,  
Thanjavur District.  
Cr.No. 347 of 2020.

... Respondent/Complainant

For Petitioner : M/s K.M.Karunakaran,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticiaptory Bail in Cr.No. 347 of 2020 on the file of the  
respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the  
respondent police for the offences punishable under Sections  
353,188,269 of IPC and Section 4(1)(d) of TNP Act r/w. Section 3 of  
Epidemic Disease Act and Section 51 of Disaster Management Act  
seeks anticipatory bail.

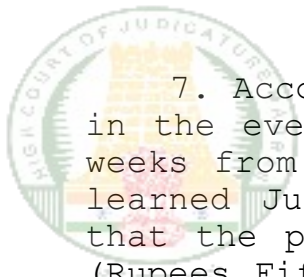
2. Heard both sides.

3.The case of the prosecution is that the petitioner was found  
in possession of 10 litres of Kallu (Paddy) in a pot.

4. The learned counsel for the petitioner would submit that the  
petitioner is innocent and he has been falsely implicated in this  
case.

5. The learned Additional Public Prosecutor would submit that  
the petitioner was found in possession of 10 litres of Kallu in a  
pot and the same was destroyed by the respondent police.

6.Taking into consideration the facts and circumstances of the  
case and also taking note of the fact that the said Kallu was  
destroyed by the police, this Court is inclined to grant  
anticipatory bail to the petitioner with certain conditions.



7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Thanjavur District on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

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

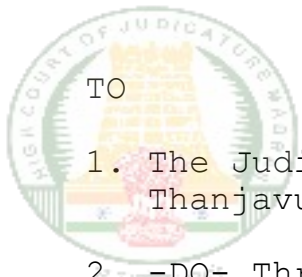
sd/-  
09.07.2020

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

AAV

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.2,  
Thanjavur District.
2. -DO- Through The Chief Judicial Magistrate,  
Thanjavur at Kumbakonam.
3. The Inspector of Police,  
Tamil University Police Station,  
Thanjavur District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.7142 of 2020

Date : 09/07/2020

VB SKN SAR 2 (13.07.2020) 3P 5C