



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Eleventh day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2787 of 2015

S.THARMA PRABHU

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.
(CRIME NO.4 OF 2015)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.AJMAL KHAN, Senior Counsel for

Mr.K.SHANMUGARAJA, Advocate

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

For Intervenor : Mr.D.SHANMUGARAJA SETHUPATHI, Advocate.

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 467, 468, 470, 471 and 472 IPC in Crime No.4 of 2015 on the file of the respondent police, seeks anticipatory bail.

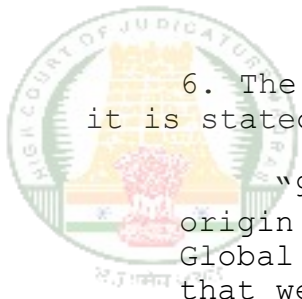
2. Heard Mr.Ajmal Khan, learned Senior Counsel for Mr.K.Shanmugaraja, learned counsel for the petitioner, the learned counsel for the Intervenor and the learned Government Advocate (Crl.Side) appearing for the State.

3. Crime Number 4 of 2015 has been registered by the Police on the complaint of M/s.Upasana Engineering Limited against M/s.Rhenus Prolog Logistics Limited and M/s.DSV Air and Sea Private Limited. This petitioner herein is the Chief Executive Officer of M/s.Rhenus Prolog Logistics Limited and his company is concerned with 99 Generalized System of Preferences (GSP) certificates.

4. This Court, in Crl.O.P.(MD) No.1304 of 2015 filed by one Thillai Maharajan (A2) of M/s.DSV Air and Sea Private limited, passed a detailed order on 10.02.2015, granting him the relief of anticipatory bail. In the said order, this Court has narrated the entire facts of the case and therefore, it may not be necessary to repeat the same here also.

5. On 18.02.2015, this Court granted interim anticipatory bail to this petitioner with the following directions:

"2. Considering the facts and circumstances of the case, interim anticipatory bail is granted to the petitioner for a period of two weeks from today and the petitioner shall report before the respondent police daily at 05:30p.m. till then and the petitioner is also directed to give his thumb impression, specimen signature and writing to the respondent police."



6. The petitioner has filed an affidavit, wherein in Paragraph No.9, it is stated as follows:

"9.I respectfully state that the said GSP certificates of origin were obtained by us through our agents namely M/s.Desire Global Logistics at Tuticorin and Mr.JehyerMaju. It is submitted that we undertake before this Hon'ble Court that we are prepared to appear and co-operate with the Export Inspection Agency, Chennai by stating that the defacto complainant is not at fault and further undertake to give necessary statement before the Export Inspection Agency, Chennai regarding obtaining of GSP certificate of origin."

7. Under such circumstances, this Court is of the view that this is a fit case to grant anticipatory bail to this petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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.I, Tuticorin, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when required for interrogation. The petitioner shall also give his signature, thumb impression and hand writing samples when demanded by the respondent police;

[b] as undertaken by the petitioner, he shall appear before the Export Inspection Agency and the Export Inspection Council at Delhi and submit his explanation to them in connection with the enquiry and assist M/s.Upasana Engineering Limited in all possible manner;

[c] the petitioner shall not tamper with the 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].

sd/-
11/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.
- 2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
- 3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- 4 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.

+1. CC to M/S.K. SHANMUGARAJA Advocate SR.No.11930

+2CC to M/s.D.Shanmugaraja Sethupathi, Advocate in SR.11790 & 12002

ORDER IN

CRL OP(MD) No.2787 of 2015

Date :11/03/2015

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