



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

Tuesday, the Seventeenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4891 of 2015

S.CHANDRASEKARAN

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D,
UTHAMAPALAYAM, THENI DIST.
(CRIME NO. 69 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LENIN KUMAR Advocate

For Respondent : M/S.A.P.BALASUBRAMANI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(2) (3) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime number 69 of 2015 on the file of the respondent police, seeks anticipatory bail.

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

3.It is the case of the prosecution that this complaint has been lodged by the Deputy Registrar of Co-operative Societies, Theni. On 14.06.2014, the Flying Squad of Civil Supplies Department, Chennai conducted a surprise raid in the kerosene bunk attached to Theni Agricultural Products Manufacturers Co-operative Sales Store, where, this petitioner is working as a salesman. During the surprise check, they found a shortage of stock of kerosene to the tune of Rs.40,174/-.

4.The learned Government Advocate (Crl.Side), on instructions from the respondent Police submits that subsequently, the amount has been paid by the petitioner to the Department and there is no previous case pending against the petitioner.

5.Taking into consideration these facts, this Court is of the view that it is a fit case for grant of anticipatory bail.

6.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, Uthamapalayam 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 every day at 6.30 p.m for a period of four weeks and thereafter as and when required for interrogation.

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

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

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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/-
17/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

2 Do - Through THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D, UTHAMAPALAYAM, THENI DISTRICT.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.12601.

TS/18.03.2015/2P-6C

ORDER
IN
CRL OP(MD) No.4891 of 2015
Date :17/03/2015