



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

Wednesday, the First day of April Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.6048 of 2015

ALAGARSAMY

... PETITIONER/ SOLE ACCUSED

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
CIVIL SUPPLIES CID, UTHAMAPALAYAM,
THENI DISTRICT. CR. NO. 87/2015.

... 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, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under clause 6(2)(3) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.87 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).

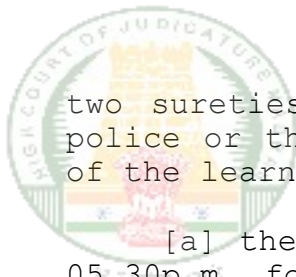
3. It is the case of the prosecution that this petitioner is working as Salesman in Mullaiyampatti Fair Price Shop No.1 (CP006) and when there was a surprise inspection by the District Supply Officer, in which it was observed that there was a short fall of Rs.1,66,925/-.

4. It is represented that the petitioner has paid the short fall amount and a copy of the receipt has also been enclosed.

5. The learned Government Advocate (Crl.Side) would submit that the petitioner has made good the loss.

6. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 daily at 05.30p.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall give his handwriting, thumb impression and specimen signature before the respondent police.

[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 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]**.

(f) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioner is complying with the order or not.

sd/-
01/04/2015

/ 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 CID, UTHAMAPALAYAM, THENI DISTRICT.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No. 16717.

TS/13.04.2015/2P-6C