



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

Wednesday, the Twenty Fourth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.3273 of 2016

ABDUL AZEEZ

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D., UTHAMAPALAYAM,
THENI DISTRICT.
(CRIME NO. 35 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.VENKATESH Advocate
For Respondent : MR.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Clause 17 of TNK(RT) Order, 1973, r/w 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.35 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.D.Venkatesh, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. Taking into consideration the fact that the contraband and the vehicle were already seized and there is no previous case against the petitioner except the present case, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner. Accordingly, he 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.



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(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner Accused 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]**.

4. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-

24/02/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
- 2 -DO- THRO' 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 D.VENKATESH Advocate SR.No.10558

akm/26.02.2016/2p-6c/SKN/SK/SAR-I

ORDER

IN

CRL OP(MD) No.3273 of 2016

Date :24/02/2016