

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17223 of 2018

ASAITHAMBI @ ASAI

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
CSCID KANCHIPURAM,
SRIPERUMBUDUR TALUK,
KANCHIPURAM DISTRICT.
CR.NO.91 OF 2018

[RESPONDENT]

For Petitioner : M/S.A.SARANRAJ Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR

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 6 (4) of Tamil Nadu Civil Supplies (RDCS) Order 1982 r/w 7(1) (a) (ii) of E.C. Act 1955, in Crime No.91 of 2018 seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioner was found in possession of 200 Kilograms of PDS rice.

4. The learned counsel for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and that he has been falsely implicated in this case and hence, the petitioner may be granted anticipatory bail.

5. The learned Additional Public Prosecutor submitted that the entire contraband in this case has been recovered and that the petitioner is not involved in any previous case.

6. Taking into consideration the nature of allegations against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with a condition to make a non-refundable deposit of a sum of Rs.5,000/- (Rupees Five Thousand only) in favour of the District Revenue Officer of the concerned District.

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-I, Kanchipuram, on condition that of 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 the petitioner shall make a non-refundable deposit of a sum of Rs.5,000/- (Rupees Five Thousand only) in favour of the District Revenue Officer, Kanchipuram District on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[b] if the petitioner failed to surrender before the concerned Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled without any reference to the court.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP. BY
INSPECTOR OF POLICE,
CSCID KANCHIPURAM,
SRIPERUMBUDUR TALUK,
KANCHIPURAM DISTRICT.

5 THE DISTRICT REVENUE OFFICER,
KANCHIPURAM DISTRICT.

+1 CC to M/S.A.SARANRAJ Advocate on payment of necessary charges-
Sr.12896

CRL OP.17223/2018

Date :12/07/2018

ths : 18.07.2018