

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18208 of 2018

N.SATHISH

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

SUB-INSPECTOR OF POLICE,
CSCID POLICE STATION,
TIRUVANNAMALAI POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.78 OF 2018.

For Petitioner : M/S.V.PRAKASH BABU Advocate

For Respondent : M/S M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 6(4) of TNSC (RDCS) order 1982 R/w 7(i) a (ii) of EC Act 1955, in Crime No.78 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution as per the de-facto complainant is that the petitioner along with other accused was found in possession of 2000 Kgs of PDS rice worth about Rs.11,000/-

4. The learned counsel for the petitioner would submit that the petitioner is in no way connected with the said offence and he has been falsely implicated in this case. He would further submit that the petitioners are prepared to make a non-refundable deposit as per the direction of this Court.

5. The learned Additional Public Prosecutor would submit that the petitioner and the other accused were found in illegal possession of 2000 Kgs of PDS rice worth about Rs.11,000/-, which

is meant for the supply to the consumers below the poverty line. He would also submit that there is no previous case against the petitioner and the property was recovered.

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 No.I, Thiruvannamalai on condition that of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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.

[a] the petitioners shall 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 on further condition that:

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

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., for a period of one week and thereafter, as and when required for interrogation.

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

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

[f] 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]**.

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

-sd/-
24/07/2018

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, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE DISTRICT REVENUE OFFICER
THIRUVANNAMALAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 STATE REP BY
SUB-INSPECTOR OF POLICE, CSCID POLICE
STATION, TIRUVANNAMALAI POLICE STATION,
TIRUVANNAMALAI DISTRICT. CR.NO.78 OF 2018.

+1CC to M/S.V.PRAKASH BABU Advocate on payment of necessary charges SR.NO. 13853

CRL OP.18208/2018

Date :24/07/2018

CM-27/07/2018