

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.26573 of 2018

P.CLEMENT ALEXSIS

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CIVIL SUPPLY - CID POLICE STATION,
ANNAI THERESA PURAM,
PONDHUR, SRIPERAMBADHUR TALUK,
TAMIL NADU
CRIME NO.135 OF 2018

For Petitioner : M/S.R.PRABHAKARAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodity (RDSCS) Order, 1982 and r/w Section 7 (i)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.135 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 100 kilos of PDS rice.

3. The learned counsel appearing for the petitioner would submit that the petitioner has falsely implicated in this case and they are no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the investigation is pending. Hence she vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner shall donate 5 bags, each containing 50Kg of Ponni rice to the Bird Old Age Home, No.62, Karpagavinayagar Koil Street, Perumber Kandigai, Kanchipuram-603310, Thozupadu Post, Ph-9152626812 and on such donation, the

petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-I, Kancheepuram, and on their executing 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 learned Magistrate concerned and the petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

[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]**; and;

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

-sd/-
16/11/2018
सत्यमेव जयते

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, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CIVIL SUPPLY - CID POLICE STATION,
ANNAI THERESA PURAM, PONDHUR,
SRIPERAMBADHUR TALUK, TAMIL NADU

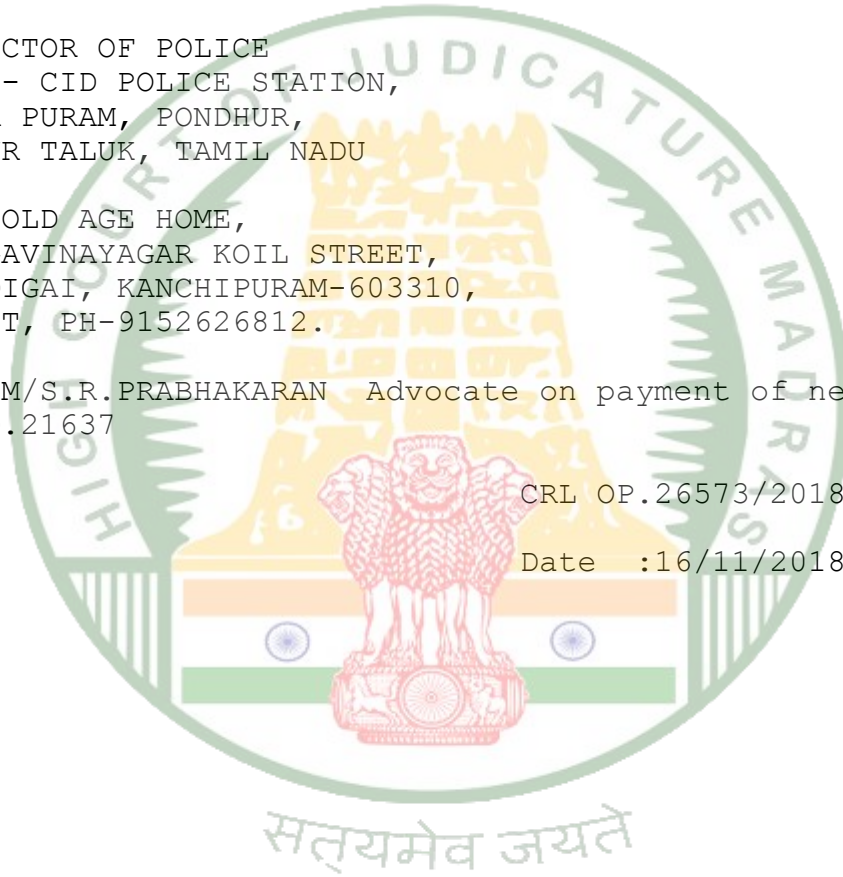
5 THE BIRD OLD AGE HOME,
NO.62, KARPAGAVINAYAGAR KOIL STREET,
PERUMBER KANDIGAI, KANCHIPURAM-603310,
THOZUPUDU POST, PH-9152626812.

+1CC to M/S.R.PRABHAKARAN Advocate on payment of necessary
charges SR NO.21637

CRL OP.26573/2018

Date :16/11/2018

MK:26/11/2018



WEB COPY