

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

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4424 of 2019

K.BALAMURUGAN

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP. BYM
THE INSPECTOR OF POLICE
C.S.CID, UTHAMAPALAYAM,
UTHAMAPALAYAM,
THENI DISTRICT.
(CRIME NO.35 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. R. SHANKAR GANESH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 6(4) TN Scheduled Commodities (RDSCS) Order, 1982 and 7(1)(a)(ii) Essential Commodities Act, 1955 in crime No. 35 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is found in possession of 10 bags of PDS Rice, due to which a case has been registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is innocent person. He would further submit that the petitioner is ready to deposit any amount to the Government school for the welfare of the students.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to deposit some

amount to the Government school for the welfare of the students, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner shall purchase bureau, fan, and chair worth Rs.25,000/- and give them to Victoria Memorial Government Boys Higher Secondary School, Periyakulam and thereafter sureties shall be accepted.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District 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 is directed to purchase bureau, fan, and chair worth Rs.25,000/- and give them to Victoria Memorial Government Boys Higher Secondary School, Periyakulam and thereafter sureties shall be accepted.

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until furthers

(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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/03/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI
- 3 THE INSPECTOR OF POLICE
C.S.CID, UTHAMAPALAYAM,
UTHAMAPALAYAM,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE HEADMASTER,
VICTORIA MEMORIAL GOVERNMENT BOYS
HIGHER SECONDARY SCHOOL,
PERIYAKULAM, THENI.

+1. CC to MR. R. SHANKAR GANESH Advocate SR.No.5442

ORDER
IN
CRL OP(MD) No.4424 of 2019
Date :25/03/2019

MSI/PN/SAR 4/01.04.2019/3P-7C

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