



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

Wednesday, the Tenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5311 of 2019

RAMAKRISHNAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 116 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.ALAGUSUNDAR Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

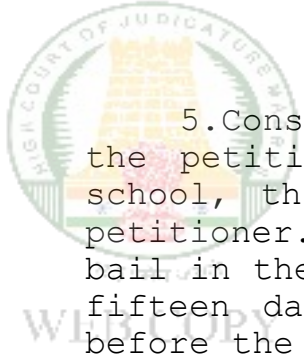
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 482, 483, 486, 420 of IPC and Section 78 of Trade and Merchandise Act, in Cr.No.116 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a sales representative of Seyadu Beedi Company, Tirunelveli. He along with his co-workers, found that some fake Beedi bundles were transported in the name of the their company. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. The petitioner is the owner of Nandu Beedi company and he is ready to pay any amount to the welfare of any one of nearby school to show his bonafideness without prejudice to his rights. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner is also an authorised seller and since he is come forward to pay an amount to the welfare of school, this Court may pass orders.



5. Considering the facts and circumstances of the case and since the petitioner is ready to deposit an amount to the welfare of school, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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, Ambasamuthiram, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall purchase a Napkin disposal machine and gift the same to the use of Girls of Chathiram Bharathi Government Girls Higher Secondary School, Kadayam and produce the proof of the same at the time of execution of sureties.

(c) 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;

(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/-

10/04/2019

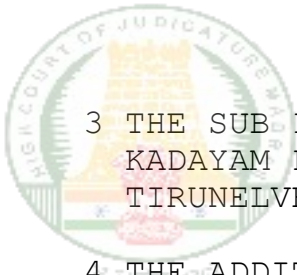
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
AMBASAMUTHIRAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.



3 THE SUB INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SIVACHANDRAN, Advocate SR-6519

ORDER

IN

CRL OP (MD) No.5311 of 2019

Date :10/04/2019

JM/PN/SAR 3/16.04.2019/3P/6C