

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8100 of 2019

Senthilkumar

... Petitioner/5th Accused

Vs

State rep.by

The Sub Inspector of Police,,

Civil Supplies C.I.D.,

Ramanathapuram.

Crime No.65/2019.

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,

For Respondent : Mr.V.Neelakandan,

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.65 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner/5th accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under clause 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.65 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that accused Nos.1 to 4 were arrested and remanded to judicial custody and no previous case is pending against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

3.Per contra, the learned Additional Public Prosecutor has submitted that totally, there are five accused involved in this case and the accused Nos.1 to 4 were illegally transporting 47 bags of rice (each rice bag contains 50 kgs and 12 bags of raw-rice (each bag contains 50 kgs) in a van bearing Regn.No.TN-67-AB-5185 and the

petitioner herein is the owner of Flour Mill and he has been implicated, based on the confession given by A-1 and therefore, he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner.

4. Taking into consideration of the aforesaid facts and also the fact that already, accused Nos.1 to 4 were arrested and remanded to judicial custody and also the fact that the petitioner has been implicated, based on the confession given by A-1 and no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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.II, Ramanathapuram on condition that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police daily at 10.00 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

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

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

14/06/2019

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

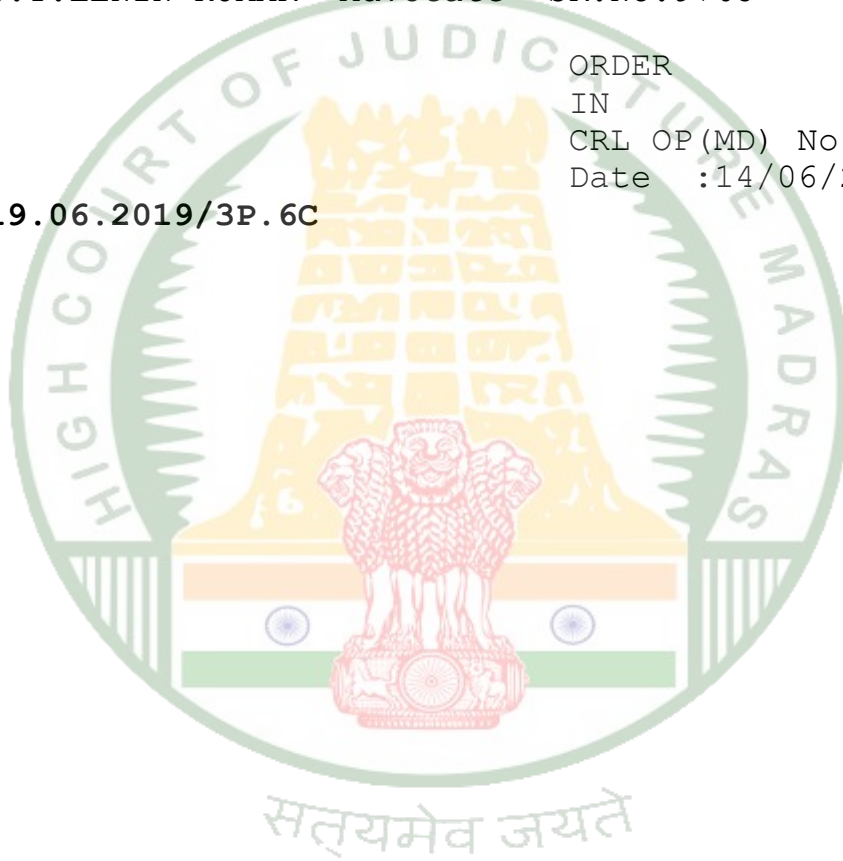
TO

1. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSPECTOR OF POLICE,,
CIVIL SUPPLIES C.I.D., RAMANATHAPURAM.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.9765

ORDER
IN
CRL OP(MD) No.8100 of 2019
Date :14/06/2019

MS/VR/SAR-2/19.06.2019/3P.6C



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