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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22991 of 2018

P.MOORTHY ... PETITIONER / ACCUSED NO.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
C.S.C.I.D., POLICE STATION,
VIRUDHUNAGAR.
(CRIME NO.165/2018) ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.BALASUBRAMANIAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 6(2) (3) (4) of Tamilnadu Scheduled Commodities (RDCS) Order – 1982 r/w Section 7(1) (a) (ii) of EC Act, 1955, in Cr.No.165 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 22.12.2018, while the respondent police conducted a vehicle inspection on secret information, 10 bags of PDS rice were transported illegally. Hence, the case.

3.The learned counsel for the petitioner would submit that a false case has been foisted against her and she has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) submitted that the petitioner has been 10 bags of transported PDS rice illegally.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of

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fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.10,000 (Rupees Ten thousand only) to the credit of the Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai.

[c] the petitioner shall report before the respondent police 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/-
04/01/2019

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

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TO

1 THE JUDICIAL MAGISTRATE NO-I,
VIRUDHUNAGAR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE,
C.S.C.I.D., POLICE STATION, VIRUDHUNAGAR.

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

COPY TO

THE OFFICER INCHARGE,
ROJAVANAM,
HOME FOR AGED AND POOR,
MELUR ROAD,MADURAI.

+1. CC to Mr.P.BALASUBRAMANIAN Advocate SR.No.309

PS/PN/SAR-2/09.01.2019/3P/7C

ORDER
IN
CRL OP(MD) No.22991 of 2018
Date :04/01/2019

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