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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No 10659 of 2019

R.Shankara Mahalingam

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Sub-Inspector of Police,
C.S.C.I.D, Tirunelveli.
Crime No. 137/2019

... Respondent/Complainant

For Petitioner : M/s.T.Dhandapani,
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

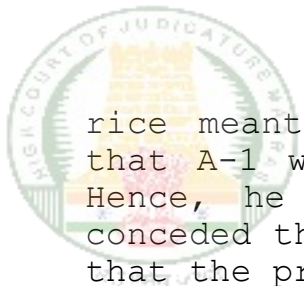
For Anticipatory Bail in Crime No.137 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of T.N.S.C (R.D.C.S) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.137 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 not committed any offence. He further submitted that the petitioner along with A-1 was found in illegal possession of 550 kgs of rice meant for Public Distribution System. He further submitted that A-1 was already arrested and released on bail and hence, he prayed for grant of anticipatory bail to the petitioner.

3.The Additional Public Prosecutor appearing for the respondent has submitted that the petitioner is A-2. He further submitted that the petitioner along with A-1 was found in possession of 550 kgs of



rice meant for Public Distribution System. He further submitted that A-1 was already arrested and subsequently, released on bail. Hence, he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner and that the property was recovered from the accused persons.

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4. Taking into consideration of the aforesaid facts and also the fact that no previous case is pending against the petitioner and that the property was recovered from the accused person, 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, Tirunelveli 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 10.30 a.m for a period of three 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].

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

sd/-

31/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO II,
TIRUNELVELI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUB-INSPECTOR OF POLICE,
C.S.C.I.D, TIRUNELVELI.

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

+1. CC to Mr.T.DHANDAPANI Advocate SR.No.12677

ORDER

IN

CRL OP (MD) No.10659 of 2019

Date : 31/07/2019

TK/VR/SAR.1/06.08.2019/3P/6C