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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11354 of 2019

Wilson @ Davidson

... Petitioner/3rd Accused

Vs

The State rep.by
The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai
at Nagercoil
(Crime No.88 of 2019).

... Respondent/Complainant

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

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. 88 of 2019 on the file of the respondent.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence under Clause 6(4) of TNSC (RDSCS) Order 1982, r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.88 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 only based on the confession statement given by the co-accused, he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



3. The learned Additional Public Prosecutor appearing for the respondent has submitted that on the date of occurrence, the petitioner was found in possession of 21 bags of rice (each containing 50 kgs) meant for Public Distribution System. Hence, he opposed this petition. He further submitted that A-1 and A-2 were arrested and subsequently, they were released on bail. However, he fairly conceded that no previous case is pending against the petitioner.

4. Taking into consideration of the fact that no previous case is pending against the petitioner and also the fact that already, A-1 and A-2 were arrested and subsequently, released on bail, 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.III, Nagercoil 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 the 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.R.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/-
13/08/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL.
- 2 -do-thro-THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D.,
KUZHITHURAI AT NAGERCOIL
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate
(SR-13485[I] dated 14/08/2019)

ORDER
IN
CRL OP(MD) No.11354 of 2019
Date :13/08/2019

ES/PN/SAR 2/20.08.2019/3P/6C