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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.18232 of 2021

1. Najeeb
2. Jammaludheen

... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
CSCID Wing,
Kuzhithurai Police Station,
Kanyakumari District.
(Crime No.108 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Ramakrishna Dass N S, Advocate.

For Respondent : M/s.P.Kottaisamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.108 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

2.The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 6(4) of TNS (RDCS) order 1982, r/w 7(1) (a) (ii) of EC Act, 1955, seek anticipatory bail.

3.The allegation against the petitioners is that the petitioners, who are Keralites, have illegally transported 7082 kgs of PDS rice.



4. These petitioners moved anticipatory bail earlier, which came to be dismissed by this Court on 22.09.2021, on the ground that the petitioners did not co-operate for the enquiry.

5. Now, the learned counsel for the petitioner submits that these petitioners without prejudice to their defence are now intended to deposit a sum of Rs.50,000/- to the credit of Chief Minister's Relief fund.

6. Considering the submission made by the learned counsel for the petitioners that these petitioners are now intended to deposit a sum of Rs.50,000/- to the credit of Chief Minister's Relief fund, which is equivalent to the amount involved in this case, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.I, Kuzhithurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall make a non-refundable deposit for a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court No.I, Kuzhithurai.

[b] (1) the petitioners shall report before respondent police daily at 10.30 A.M. until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
02/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE COURT
NO.I, KUZHITHURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
CSCID WING,
KUZHITHURAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI.9.

+1. CC to M/S.RAMAKRISHNA DASS N S Advocate SR.No.8779

ORDER
IN
CRL OP(MD) No.18232 of 2021
Date :02/12/2021