



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

Date : 06/05/2022

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD). No.8561 of 2022

Kasi Viswanathan

... Petitioner/Accused
Rank Not Known

Vs

The State Rep. By,
The Sub Inspector of Police,
C.S.C.I.D Police Station,
Thoothukudi,
Thoothukudi District.
Crime.No.117 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Mayilvahana Rajendran.C,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.117 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 7(1)(a) (ii) of Essential Commodities Act and Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Act, in Crime No.117 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.09.2021, the petitioner was found in illegal possession of 10600 Kgs of PDS Rice. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution, but, a false case have been
<https://hccs.cerco.in/hccs/serch.htm> filed against him.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that no previous case is pending against this petitioner.

5.Considering the facts and the circumstances of this case and the antecedent of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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.IV, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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]**.

sd/-
06/05/2022

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/ /2022

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

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 NO.IV,
THOOTHUKUDI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
C.S.C.I.D POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-4444[I] dated
06/05/2022)

ORDER

IN

CRL OP(MD) No.8561 of 2022

Date :06/05/2022

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USK/PN/SAR-II/09.05.2022/3P/6C