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

Date : 22/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.17032 of 2022

Venkatesh

...Petitioner/Accused No.3

Vs.

State rep.by
The Inspector of Police,
Thanjavur CSCID Police Station,
Thanjavur.
(Crime No.147/2021).

... Respondent/Complainant

For Petitioner : Mr.Karunakaran K M, 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.147/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.147 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was in routine check up, they have seized 50 bags of PDS rice, which was transported by the petitioner illegally. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as



alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) would submit that totally three accused involved in this case. A1 was released on bail, A2 is still absconding and the property was recovered.

5.Considering the facts and circumstances of the case and also considering the fact that the property has been recovered, 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 his arrest or 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, Thanjavur, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Madras High Court Madurai Bench Advocate Clerk's Welfare Association, Madurai-625023 (A/c No.496039124, IFSC code: IDIB000H040), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

b) 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 Aadhar card or Bank pass Book to ensure their identity;

c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

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 was 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**



g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
22/09/2022

/09/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

TO

1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THANJAVUR CSCID POLICE STATION,
THANJAVUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, MADRAS HIGH COURT
MADURAI BENCH ADVOCATE CLERKS WELFARE
ASSOCIATION, MADURAI-625 023.

+1. CC to M/S.KARUNAKARAN K M Advocate SR.No.10401

ORDER
IN
CRL OP(MD) No.17032 of 2022
Date :22/09/2022