



CRL OP(MD)No.7107 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD)No.7107 of 2024

Satheeshkumar

... Petitioner/Sole Accused

Vs

**The State, Represented by
The Inspector of Police,
C.S.C.I.D, Madurai.
Crime No.129 of 2022.**

... Respondent/Complainant

**For Petitioner : Mr.T.Lenin Kumar,Advocate
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side).**

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

PRAYER :-

For Anticipatory Bail in Crime No.129 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

**The petitioner/Sole Accused, who apprehends arrest at the hands of the
respondent police for the offences punishable under Clause 6(2)(3)of TNSC (RDSCS)**



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Order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.129 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.06.2022, one Murugan Vellaikamu, Deputy Registrar of Public Distribution System lodged a complaint before the respondent police stating that on 24.11.2021, the Sub Registrar of Co-operatives (PDS) Madurai-1 conducted inspection in fair price shop where the petitioner is employed and the said inspection revealed that there was a shortage of essential commodities worth about Rs.80,425/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the as per FIR, the inspection was made on 24.11.2021, but the complaint was lodged after a lapse of seven months i.e., on 28.06.2022 and it clearly reveals that the case registered against the petitioner is foisted one.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner has already deposited the entire amount.

5. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has already deposited the entire amount, 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



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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, Madurai, 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., until further orders.

[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 is 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].



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

sd/-
15/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GBG

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
C.S.C.I.D, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.LENIN KUMAR.T, Advocate (SR-5452[I] dated 16/05/2024)

ORDER

IN

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Date :15/05/2024

PKP/GS/SAR /20.05.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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