



CRL OP(MD). No.7401 of 2024

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

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7401 of 2024

Zakeerr Hussain

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
CSCID Kuzhithurai Police Station,
Kanyakumari.
(Crime No.52 of 2024).

... Respondent/Complainant

For Petitioner : M/s.Pon Karthikeyan.R, Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 52/2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6 (4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities



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Act, 1955, in Crime No.52 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 2200 Kgs of PDS rice in a Mahindra Maxi Cab vehicle. Hence, the complaint.

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

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having three previous case, which is similar in nature.

5.Taking into consideration the facts and circumstances of the case, 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.III, Nagercoil, 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 learned Magistrate concerned and on further conditions that:



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[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 make a non refundable deposit of Rs.15,000/-(Rupees Fifteen Thousand only) to the credit of the Headmistress, Government Girls High School, Kottampatty, Melur in State Bank of India, Melur Branch, Account No.30636647339 IFSC No.SBIN0000258, MICR Code: 625002021, without prejudice to his contentions and rights before the trial Court and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

[c]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[d]the petitioner shall not tamper with the 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 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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[g]If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

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

LS

To

1.The Judicial Magistrate No.III,
Nagercoil.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
CSCID Kuzhithurai Police Station,
Kanyakumari.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Headmistress,
Government Girls High School,
Kottampatty, Melur.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-5690[I] dated 23/05/2024)



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ORDER
IN
CRL OP(MD) No.7401 of 2024
Date :22/05/2024

ED/ JGB /SAR- (27/05/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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