



CRL OP(MD). No.10260 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2024

PRESENT

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

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F.James

... Petitioner/ Accused No.3

Vs

The Sub Inspector of Police,
CSCID - Kuzhithurai Police Station,
Kanyakumari District.
Crime No.135/2024.

... Respondent/Complainant

For Petitioner : M/s.C.Kishore,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.135 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982



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r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.135 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that on 03.07.2024, when the respondent police intercepted a Lorry bearing Registration No.KL-B-4066, it was found to be loaded with 300 bags of PDS rice (each contains 50 Kgs). The second accused collected rice from the godown of the petitioner and gave it to the first accused.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, he would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is having 5 previous cases for similar offence. The investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the Regional Cancer Centre, Government Rajaji Hospital, Madurai,



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without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.III, Nagercoil.

7.On production of such receipt, 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:

(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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the Judicial Magistrate, Kuzhithurai, at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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 SUB INSPECTOR OF POLICE,
CSCID - KUZHITHURAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

COPY TO

1 THE OFFICER INCHARGE,
REGIONAL CANCER CENTRE,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI.

<https://www.fmc.tn.gov.in/judis>



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2 THE JUDICIAL MAGISTRATE,
KUZHITHURAI.

+1 CC to M/s.C.KISHORE, Advocate (SR-7808[I] dated 11/07/2024)

ORDER

IN

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Date :11/07/2024

RS/GS/SAR-(26.07.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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