



CRL OP(MD)No.10938 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 22.07.2024

PRESENT

The Hon`ble MR.JUSTICE AA.NAKKIRAN

CRL OP(MD)No.10938 of 2024

Shibu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Civil Supply CID Kuzhithurai,
Nagarcoil,
Kanniyakumari District.
(Crime No.111 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Arsathul Hameed,
Advocate
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate(Crl.side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.111 of 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 alleged offence punishable under Section 17 TNK (Regulation of Trade) Order 1973 and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 in Cr.No.111 of 2024 on the file of the respondent police, seeks anticipatory bail.

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



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2.The case of the prosecution is that on suspicious, the respondent Police searched a vehicle bearing Reg.No.KL 05 AA 7781, in which, 37 cans filled with 110 litres of white kerosene, worth about 27,750/- . Hence, the case.

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

4.The learned Government Advocate(Crl.side) for the respondent submits that the investigation is yet to be completed.

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

6.Accordingly, this criminal original petition is allowed and 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 III, Nagercoil on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand) 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 and the sureties shall affix their photographs and left thumb



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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 is directed to deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of the Environmental Committee Operated by Registrar (Judicial) [Account No.7633863037; MICR Code: 625019020, CIF No: 30602376727, IFSC Code: IDIB000H040, High Court Branch, Madurai (2001)], without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(c)the petitioner shall report before the respondent Police daily at 10.00 am., for a period of two weeks and thereafter as and when required;

(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 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]; and;



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

sd/-
22/07/2024

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/07/2024

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

gns

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, CIVIL SUPPLY CID, KUZHITHURAI,
NAGARCOIL, KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SECTION OFFICER, ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.ARSATHUL HAMEED, Advocate (SR-8467[I] dated 24/07/2024)

ORDER IN

CRL OP(MD) No.10938 of 2024

Date :22/07/2024

RS/VR/SAR-(31.07.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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