



CRL OP(MD). No.10978 of 2024

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

Date : 22/07/2024

PRESENT

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

CRL OP(MD). No.10978 of 2024

Shibin

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Civil Supplies Cid,
Kulithurai,
Kanyakumari District.
(Crime No. 123/2024.)

... Respondent/Complainant

For Petitioner : M/s.K.Sathish Kumar, 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. 123 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



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police for the offences punishable under Sections 6(4) of Tamilnadu Scheduled
Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities
Act, 1955, in Crime No.123 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of
1720 Kgs of PDS rice. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an
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 Government Advocate (Crl.Side) appearing for the respondent
police would submit that the petitioner was found in possession of 1720 Kgs of PDS
rice and also submitted that no previous case is pending against the petitioner. He
further submitted that the accused Nos.1 and 2 have already been arrested and they
are still in custody. Hence, he strongly opposed to grant anticipatory bail to the
petitioner.

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

6.Accordingly, the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten



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Thousand only) to the credit of the Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books in the name of “Madurai Bench of Madras High Court” in Kalaigarn Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.3, 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.3, 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 respondent police daily at 10.30 for a period of two weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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(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 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;

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

sd/-
22/07/2024

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/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

To

1.The Judicial Magistrate No.III,
Nagercoil.

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



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3.The Inspector of Police,
Civil Supplies CID,
Kulithurai, Kanniyakumari District.

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

Copy to:

1.The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

2.The Officer Incharge,
Kalaigamar Centenary Library, Madurai.

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-8331[I] dated 23/07/2024)

ORDER
IN

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Date :22/07/2024

ED/ VR /SAR- (07/08/2024) 5P / 8C

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