



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twentieth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.19214 of 2015

1 ARUMUGAM

2 AZHAGAYYAH

..PETITIONERS/ACCUSED 3 & 4

Vs.

STATE REP.BY THE INSEPECTOR OF POLICE

CS-CID, THIRUNELVELI,

THIRUNELVELI DISTRICT.

CRIME NO.173 OF2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S K.R.LAXMAN Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(4) of TNSC [RDCS] [order 1982 r/w Section 7(1)(A)(II) of the Essential Commodities Act, in Crime No.173 of 2015, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the Accused Nos.1 and 2 were found in possession of 1,500 kilo grams of rice and they were arrested by the police and based on their confessions, the petitioners herein have been implicated in the present case. The petitioners are the employees., viz., Merchant and Van Driver, respectively. It is reported that there is no previous case against them.

3.Taking into consideration of the above, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.II, Tirunelveli, on condition that the petitioners 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police twice a day at 10:30 in the morning and 06:30 in the evening for a period of four weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed

and the petitioners 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]**.



The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioners are complying with the order or not.

sd/-

20/10/2015

/ TRUE COPY /

WEB COPY

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.

2 -do-thro'THE CHIEF JUDICIAL MAGISTRATE,TIRUNELVELI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE INSEPECTOR OF POLICE, CS-CID THIRUNELVELI,
THIRUNELVELI DISTRICT.

+1. CC to M/S K.R.LAXMAN Advocate SR.No.62259

ORDER IN

CRL OP(MD) No.19214 of 2015

Date :20/10/2015

PBK/SK/SAR-II 20/10/2015 ::2P-6C::