



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

Wednesday, the Seventh day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.19363 of 2015

1 CHINNA MADASAMY

2 M. MOSES

... PETITIONERS/ACCUSED 4 & 5

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

CIVIL SUPPLIES C.I.D,

VIRUDHUNAGAR DISTRICT.

(CRIME NO. 167 OF 2009)

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.T.LENIN KUMAR Advocate

For Respondent : MRS.S.PRABHA,

Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.4 and 5, apprehend arrest at the hands of the respondent police for the alleged offence punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.167 of 2009 on the file of the respondent police and hence, seek anticipatory bail.

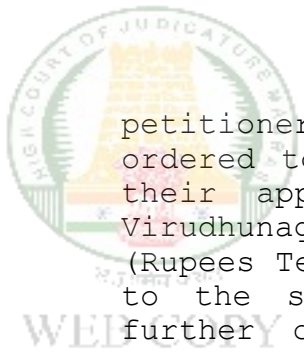
2. According to the prosecution, that the accused have diverted the route for transporting 640 bags of PDS rice.

3. The learned counsel for the petitioners submitted that the rice was transported as per the Work Order of the Regional Manager, Civil Supplies Corporation, Virudhunagar, dated 18.08.2009 and a Truck Memo was issued on 28.08.2009. It is further submitted that the petitioners are owners of the vehicle and the drivers of the vehicle without knowing the route proceeded the vehicle via Mallankinaru and Tiruchuli and at that time, a Special Tahsildar (Flying Squad) Virudhunagar seized the lorry and the rice transported by the accused. It is further submitted that the co-accused in this case was granted anticipatory bail by this Court in Crl.O.P.(MD).No.7164 of 2009 dated 08.09.2009.

4. The learned Government (Crl.side) objected for granting of bail to the petitioners contending that they are the owners of the vehicle and they are not entitled to any indulgence by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

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



petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate No.II, Virudhunagar and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
07/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR.

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

4 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.59170

Akm/09.10.2015 /2p-6c/

ORDER
IN
CRL OP(MD) No.19363 of 2015
Date :07/10/2015