



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

Thursday, the Fifth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.21235 of 2015

HARI @ HARIKUMAR

... PETITIONER / 3rd ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D.,
KUZHITHURAI AT NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO.145 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.LENIN KUMAR Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

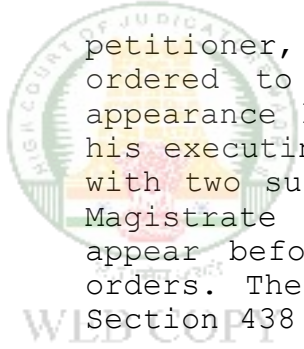
The petitioner, who is arrayed as accused No.3, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.145 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 22.09.2015, when the respondent police was on surveillance to unearth hoarding of scheduled commodities, a lorry bearing registration No.TN 04 AC 7837 was found in possession of 130 bags of rice (each contains 50kgs).

3.The learned counsel for the petitioner would submit that the petitioner is only the owner of the lorry; the entire contraband was recovered from A1 and that the co-accused were released on anticipatory bail by this Court in Crl.O.P.(MD)Nos.20340, 19253, 19023, 18839 and 20429 of 2015, dated 02.11.2015 and 03.11.2015 respectively. He would further submit that the petitioner is innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

4.Heard the learned Government Advocate (Crl.Side).

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is the owner of the lorry; the entire contraband were seized and that the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the



petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate III, Nagercoil and on his executing 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 condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6.The petitioner 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/-

05/11/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE.III
NAGERCOIL

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT

3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D.,
KUZHITHURAI AT NAGERCOIL,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S T.LENIN KUMAR Advocate SR.No.65062.

ORDER

IN

CRL OP(MD) No.21235 of 2015

Date :05/11/2015

AM/06.11.2015/KBM/SAR-II/2P/6C