



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

Friday, the Twentieth day of November Two Thousand Fifteen

PRESENT

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

CRL OP (MD) No.21879 of 2015

HARI @ HARIKUMAR

..PETITIONER/ACCUSED

(RANK NOT KNOWN)

Vs.

STATE REP BY THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D.,
TIRUNELVELI.
CRIME NO.50 OF 2015

..RESPONDENT/COMPLAINANT

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

For Respondent : MR.K.ANBARASAN, Government 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 in Crime No.50 of 2015 on the file of the respondent police apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) of TNSC(RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, and hence, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police conducting a vehicle check up, a mini lorry bearing Registration No.TN31 J 0076 was found in possession of 59 bags of rice each bag contains 50 kgs of rice and registered a case for offence under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955.

3.The learned counsel for the petitioner submitted that the petitioner's name was not found in the FIR and only on the confession given by A2, the petitioner has been implicated in this case and the petitioner is the owner of the mini lorry and he is no way connected with the above said crime. He further submitted that A2 was detained under 'black marketing' and the entire contraband was seized by the respondent police and the occurrence took place in the month of February 2015, after lapse of 8 months, the respondent police implicated the petitioner as an accused.

4.The learned Government Advocate (Crl.side) on instruction would submit that the entire contraband were seized by the respondent police and A1 is still absconding and A2 was detained under "Black Marketing".

5.The petitioner is owner of the lorry and according to him, he was not involved in the alleged occurrence. The incident occurred in the month of February 2015 and the entire contraband was seized. In view of these facts, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Nagercoil and on 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 on daily basis at 10.00 a.m., for a period of three weeks. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.



7. 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/-

20/11/2015

/ TRUE COPY /

WEB COPY

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.

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

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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.66722

ORDER IN

CRL OP(MD) No.21879 of 2015

Date : 20/11/2015

PBK/AN/SAR-II 25/11/2015 :: 2P-6C: