



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

Tuesday, the Tenth day of February Two Thousand Fifteen

PRESENT

WEB COPY

**The Hon`ble Mr Justice P.N.PRAKASH**

CRL OP(MD) No.2230 of 2015

EBIN

... PETITIONER / 2<sup>nd</sup> ACCUSED

Vs

THE STATE REP.BY  
THE INSPECTOR POLICE,  
CSCID, KUZHITHURAI,  
NAGERCOIL, CRIME NO.16/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.N. VISHNUVARTHANAN Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

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

**ORDER :** The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 17 of TNK (RT) order 1973 r/w 7(i)a(ii) of E.C. Act, 1955, in Crime No.16 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that this petitioner was found in possession of 13 barrels of Kerosene loaded in the vehicle without proper document and the vehicle was seized along with goods.

3. Heard the learned Counsel for the petitioner.

4. The learned Government Advocate(Crl.Side) submitted that there is no previous case as against the petitioner and the vehicle along with the goods was seized.

5. Considering the facts and circumstances of the case and considering the fact that the vehicle along with the goods has been seized, this Court is inclined to grant Anticipatory Bail to the petitioner.

6. Accordingly, 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.III, 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 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 petitioner shall report before the learned Judicial Magistrate NO.III, Nagercoil, daily at 10.30a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

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

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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]**.

(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioner is complying with the order or not.

sd/-

10/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI @ NAGERCOIL.
- 3 THE INSPECTOR POLICE, CSCID, KUZHITHURAI, NAGERCOIL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.N.VISHNUVARTHANAN, Advocate SR.No.5995.

ORDER IN  
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Date :10/02/2015

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