



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

Wednesday, the Ninth day of December Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.23079 & 23080 of 2015

JEBANESH

... PETITIONER/ ACCUSED A2
IN BOTH THE PETITIONS

Vs

THE INSPECTOR OF POLICE
CSCID POLICE STATION,
KUZHITHURAI AT NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO.123 OF 2015
IN CRL.O.P(MD)NO.23079/2015)
(CRIME NO.126 OF 2015
IN CRL.O.P(MD)NO.23080/2015)

... RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : Mr.N.S.RAMAKRISHNA DASS Advocate IN BOTH THE PETITIONS

For Respondent : Mr.K.ANBARASAN Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P(MD)No.23079 of 2015, who is arrayed as accused No.2, in Crime No.123 of 2015 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 6(4) of TNSC (RDCS) Order 1982 read with Section 7(i)(a)(ii) of EC Act, 1955 and hence, seeks anticipatory bail.

2. The petitioner in Crl.O.P(MD)No.23080 of 2015, who is arrayed as accused No.2, in Crime No.126 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 6(4) of TNSC (RDCS) Order 1982 read with Section 7(i)(a)(ii) of EC Act, 1955 and hence, seeks anticipatory bail.

3. The case of the prosecution is that on 06.08.2015 and 12.08.2015, the petitioner accompanied with A1 to transport 500 kg and 2500 kg ration rice to Kerala State in Mahindra pickup van bearing Registration Nos.TN-74-5887 and TN-76-A-3075.

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

4. The case of the petitioner is that the petitioner is an innocent person and there is an enmity between the first accused and this



petitioner and on the confession made by the first accused, this petitioner has been falsely implicated in this case.

5. The learned Government Advocate (Criminal Side) submitted that this Court by an order dated 04.11.2015, dismissed the anticipatory bail application filed by the petitioner in CrI.O.P(MD)Nos.19850 and 19851 of 2015. Now, the learned Government Advocate (Criminal Side) submitted that the rice has been seized and the detention order passed against A1 was set aside and he was enlarged on bail.

6. Considering the facts and circumstances of the case and also considering the fact that the incident took place on 06.08.2015 and 12.08.2015 and the rice was seized, 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 No.I, Kuzhithurai and 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 petitioners shall appear before the respondent police daily at 10.00 a.m., until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. 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 petitions for anticipatory bail stand dismissed.

sd/-
09/12/2015

/ TRUE COPY /

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

TO

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

+1. CC to Mr.N.S.RAMAKRISHNA DASS Advocate SR.No.70620
+1cc to Mr.N.S.RAMAKRISHNA DASS Advocate SR.No. 70621

ORDER
IN
CRL OP(MD) No.23079 of 2015
Date :09/12/2015

ps

NS/GSV-AN/SAR I/14.12.2015 : 2P/7C