



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Fifth day of July Two Thousand Sixteen

PRESENT

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

CRL OP (MD) No.10484 of 2016

DHASLILMA

... PETITIONER/ACCUSED No.3

Vs

THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
SIVAGANGAI TOWN,
SIVAGANGAID ISTRICT,
CR NO. 22/2016.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S B.SANTHANAM RAJESHKUMAR, ADVOCATE

FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

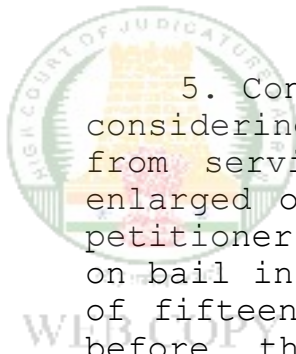
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 6(2), 6(3), 7(1)(a)(ii) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of EC Act, 1955 in Crime No.22 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that on 12.06.2016 at 2.00 pm the respondent Police was patrolling near Mela Vellur Ration Shop No.BP061 found that one Arumugam and Balakrishnan smuggled 800 Kgs of rice and 270 Ltr of Palm Oil and the same has been seized from A1 and A2. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that based on confession of A1 and A2, the petitioner has been arrayed as A3. Further, the petitioner is working as sales woman in the Ration shop and when she went for lunch on 12.06.2016 at 1.30 pm, A1 and A2 broke open the ration shops and took away the commodities and immediately, the petitioner has informed to the higher officials. He further contended that A1 and A2 have falsely confessed that the petitioner has involved in this offence and the co-accused have already been arrested and enlarged on bail on 16.06.2016 and prays for anticipatory bail in favour of the petitioner.

4. The learned Government Advocate (Crl. Side) submits that the petitioner along with other accused smuggled the ration commodities and tried to sell the same at the higher rates and the investigation of the case is pending. He further submitted that the petitioner already suspended from the service.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has already been suspended from service and the co-accused have already been arrested and enlarged on bail, I am inclined to grant anticipatory bail to the petitioner. 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.I, Sivagangai, 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 respondent police daily at 10.00 am until further orders.

[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 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 petitioners released on bail by the learned 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].

sd/-

05/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.1, SIVAGANGAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3. THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
SIVAGANGAI TOWN,
SIVAGANGAID ISTRICT,

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

+1. CC to M/S B.SANTHANAM RAJESHKUMAR Advocate SR.No. 34994