



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11135 and 11136 of 2016

MUGAMAD KASIM ... PETITIONER / A6
IN CRL OP(MD) No.11135 of 2016

NOORDEEN SEDD ... PETITIONER / A7
IN CRL OP(MD) No.11136 of 2016

Vs

State rep.by its
THE INSPECTOR OF POLICE
DINDIGUL POLICE STATION,
DINDIGUL DISTRICT,
CR NO. 146/2016.

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.11135 of 2016

State rep.by its
THE INSPECTOR OF POLICE
C.S.C.I.D. POLICE STATION
DINDIGUL DISTRICT
CRIME.NO.146 OF 2016

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.11136 of 2016

For Petitioner : M/S A.R.KANNAPPAN Advocate
IN CRL OP(MD) No.11135 of 2016

For Petitioner : M/s.R.MATHIYALAGAN Advocate
IN CRL OP(MD) No.11136 of 2016

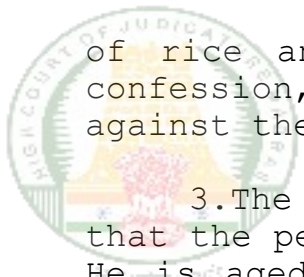
For Respondent : Mr.P.Kannithevan, Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.6 & 7, apprehend 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(i)(a)(ii) of E.C.Act, 1955, in Crime No.146 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution in both the cases is that on secret information, while checking the vehicle at Ottanchathiram-Vedasandoor Main Road, Kadhai Erumbu Bus Stop, the respondent police intercepted the vehicle bearing No.57 V 9569 and found that 20 bags



of rice and the driver of the vehicle was arrested and on his confession, the case was registered for the above said offences against the petitioners and other accused.

3.The case of the petitioner in CrI.O.P(MD)No.11135 of 2016 is that the petitioner is a respectable person in the Muslim Community. He is aged about 85 years. His rival has given a false complaint against the petitioner. He is innocent person and he has not committed any offence as alleged by the prosecution.

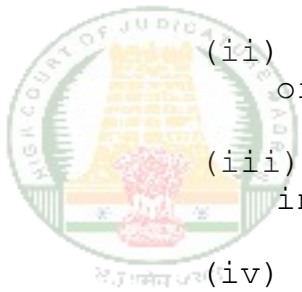
4.The case of the petitioner in CrI.O.P(MD)No.11136 of 2016 is that the petitioner is a Muthavalli of Aravakuruchi Pallivasal. On 20.06.2016 he gave rice to one Sarbudheen for polishing the rice. The said Sarbudheen did not return the rice and the petitioner gave a complaint before the Aravakuruchi police station against the said Sarbudheen on 01.07.2016. The petitioner is innocent person and he has not committed any offence as alleged by the prosecution.

5.The learned Government Advocate (CrI.side) submitted that totally there are 10 accused in this case. The rice in question was given to the Muslim Community during the Ramzan for the benefit of Muslim people in the locality. The petitioners along with other accused persons tried to smuggled the same to other State to sell for higher price for their benefit and they have defeated the intention of the Muslim people during Ramzan.

6.The petitioner in CrI.O.P(MD)No.11136 of 2016 is Muthavalli of Aravakuruchi Pallivasal. According to him, the rice entrusted to Sarbudheen for Polish on 20.06.2016, but the same was not returned to him and he gave a complaint on 01.07.2016 before that on 27.06.2016 20 bags of rice was seized, while being smuggled to other state.

7.Considering the position held by the petitioner in CrI.O.P. (MD)No.11136 of 2016 is a Muthavalli of Pallivasan and he gave a complaint only on 01.07.2016, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, the CrI.O.P(MD)No.11136 of 2016 is dismissed.

8.Considering the age of the petitioner in CrI.O.P(MD)No.11135 of 2016, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Dindigul, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) 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 petitioner 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]**.

9.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-

13/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, DINDIGUL
- 2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE
DINDIGUL POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE INSPECTOR OF POLICE
C.S.C.I.D. POLICE STATION
DINDIGUL DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.R.KANNAPPAN Advocate SR.No.36199

sm:ARK-PV:SAR I:18.07.2016:3P/7C

ORDER

IN

CRL OP(MD) No.11135 & 11136 of 2016

Date :13/07/2016