



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

Tuesday, the Sixteenth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.13024 of 2016

WEB COPY

P. MOORTHY @ KONNAVAI MOORTHY ... PETITIONER/SOLE ACCUSED
Vs

STATE REP BY THE INSPECTOR OF POLICE
C.S.C.I.D., DINDIGUL DISTRICT,
CR NO. 147 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.S.GOPALAMANIKANDAN Advocate
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

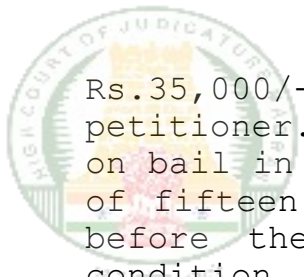
The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Section 6 (4) of TNST (RDCS) Order 1982 r/w. 7(i) (ii) (a) of EC Act 1955, in Crime No.147 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that during vehicle check up on 30.06.2016, it was found that the petitioner was illegally transporting 550 kgs of the PDS rice with an intention to sale at higher price in Kerala. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is the owner cum driver of the vehicle and his customer engaged him for transporting the rice and the respondent did not accept his explanation. He further submitted that the petitioner is willing to deposit a sum of Rs.35,000/- and prays for granting anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) filed counter and submitted that the petitioner illegally transported 550 kgs of PDS rice with an intention to sale at higher price at Kerala. The PDS rice meant for poor people and if the anticipatory bail is granted to the petitioner he will be indulged in similar offence and prayed for dismissal of this petition.

5. Considering the nature of allegations levelled against the petitioner and the contention of the learned counsel for the petitioner that the petitioner is willing to deposit a sum of



Rs.35,000/-, 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, Oddanchathiram and on condition that the petitioner shall deposit a sum of Rs.35,000/- (Rupees Thirty Five Thousand only) to the credit of Crime No.147 of 2016 and he 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].

6.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 condition or not.

sd/-

16/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, ODDANCHATHIRAM
2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
3 THE INSPECTOR OF POLICE, C.S.C.I.D., DINDIGUL DISTRICT
4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.S.GOPALAMANIKANDAN Advocate SR.No.44539

ORDER

IN

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Date : 16/08/2016