



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13393 of 2016

KARUPPASAMY

... PETITIONER /1st ACCUSED

Vs

State through
THE INSPECTOR OF POLICE
CSCID, VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR
CRIME NO.264 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.MOHAMED SHERBUDEEN 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 :-

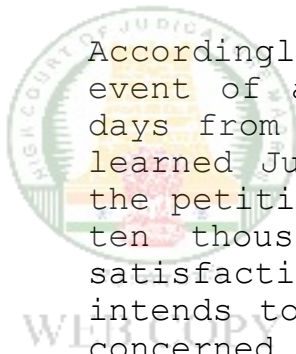
The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w. Section 7(1)(a) (ii) of Essential Commodities Act, 1955, in Crime No.264 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner carried 150 kgs of PDS rice in his vehicle bearing Regn. No.TN-67/C-7776.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the petitioner has already filed Crl.O.P(MD)No.18560 of 2015 for anticipatory bail before this Court and this Court vide order dated 01.10.2015, granted anticipatory bail to him. He could not produce the sureties before the Judicial Magistrate due to his ailment. Hence, the petitioner has come up with the present petition.

4.Heard the learned Government Advocate (Criminal side).

5.Considering the facts and circumstances of the case and also the considering fact that this Court has already granted anticipatory bail to the petitioner vide order dated 01.10.2015 made in Crl.O.P(MD)No.18560 of 2015, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (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]**.

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 conditions or not.

sd/-

01/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR

2 -do- thro THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE
CSCID, VIRUDHUNAGAR DISTRICT,
VIRUDHUNAGAR

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

+1. CC to M/S M.MOHAMED SHERBUDEEN Advocate SR.No.41101

sm:SKS-RR:SAR III:04.08.2016:2P/6C

ORDER

IN

CRL OP(MD) No.13393 of 2016

Date :01/08/2016