



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

Monday, the Twenty Second day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14609 of 2016

MURUGAN

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY ITS,
THE INSPECTOR OF POLICE
CSCID, RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.36/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.PRABHU RAJADURAI Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

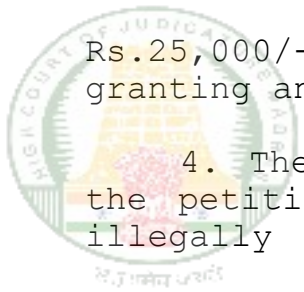
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 Sections 6(2), 6(3) and 6(4) of the TN Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.36 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that on 30.07.2016 while the respondent police was conducting usual check up found that the accused nos. 1 and 3 were transported the 120 kgs of PDS rice (each bag contains 50 kgs). A3, who is the driver of the vehicle ran away and the A1 was arrested and remanded to judicial custody. Based on the confession of A1 the petitioner was arrayed as A2. A1 stated that A3 purchased the PDS rice from A2 at the rate of Rs.6.30/- per KG and transported to sell at the rate of Rs.9/- per kg to A4. On complaint, a case has been registered against the petitioners for the above said offences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he is only a salesman 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 the other accused persons are stranger to petitioner and he is working as a salesman in 3 fair price shops. He further contended that the petitioner is willing to deposit a sum of



Rs.25,000/- (Rupees Twenty Five Thousand only) and prays for granting anticipatory bail in favour of the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner along with other accused transported the PDS rice illegally and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), 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.II, Ramanathapuram and on condition that the petitioner shall deposit a sum of 25,000/- (Rupees Twenty Five Thousand only) to the credit of above said Crime No.36 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].

sd/-
22/08/2016

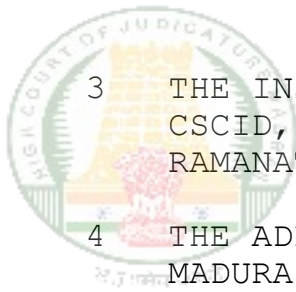
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM

<https://hcservices.ecourts.gov.in/hcservices/>
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT



3 THE INSPECTOR OF POLICE,
CSCID, RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

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+1. CC to M/S.G.PRABHU RAJADURAI Advocate SR.No.46675

GJM/SK/SKN/SAR-AE-1.9.16-3P-6C

ORDER

IN

CRL OP (MD) No.14609 of 2016

Date :22/08/2016