



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

Wednesday, the Twenty Sixth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

CRL OP(MD) No.20487 of 2016

1 SALAIMARIAPAN
2 THANGAMAYAN

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D,
TIRUNELVELI DISTRICT,
CR NO. 191 OF 2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.PALANIVELAYUTHAM Advocate

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

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

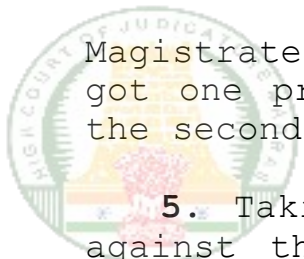
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) of T.N.S.C.R.D.S (R.D.C.S.) Order, 1982 r/w Section 7(1)(a)(2) of Essential Commodities Act, 1955, in Crime No.191 of 2016, on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that on 18.10.2016, when the respondent police made a vehicle inspection, they found two TATA Ace vehicles bearing registration Nos.TN76 P2607 and TN76 C9353, containing 42 bags (2 tones) of ration rice.

3. The learned counsel for the petitioners submitted that the petitioners herein are loadman and owner of the vehicles respectively, they were not at all aware that the bags, which contain rice, belonging to Civil Supplies Department, they are innocents, they have no connection with this case and they have been falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that there are totally four accused in this case, the co-accused / A3 and A4, being drivers of the vehicle, have been enlarged on bail by the learned Judicial



Magistrate No.II, Tirunelveli and the first petitioner / A1 has got one previous case and there is no previous case as against the second petitioner / A2.

5. Taking into consideration the nature of allegations made against the petitioners and the fact that the petitioners are loadman and owner of the vehicles respectively, this Court is of the view that this is a fit case to grant anticipatory bail to them. Accordingly, they are ordered to be released on bail in the event of arrest or on their 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, Tirunelveli, on condition that each of the petitioners 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:

- (i) the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 petitioners 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 petitioners are complying with the conditions or not.

sd/-
26/10/2016

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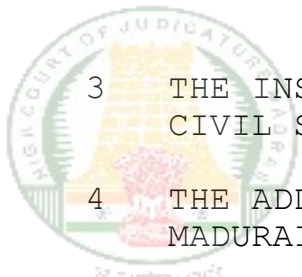
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

krk
TO

1 THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT



3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D, TIRUNELVELI DISTRICT,

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

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No.64001

GJM/GSV/PM/SAR-I-3.11.16-3P-6C

ORDER

IN

CRL OP(MD) No.20487 of 2016

Date :26/10/2016