



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

Thursday, the Twenty Fourth day of August Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice A.M.BASHEER AHAMED**

CRL OP(MD) No.10887 of 2017

POORANAM

... PETITIONER / 2<sup>nd</sup> ACCUSED

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
CIVIL SUPPLIES C.I.D., MADURAI.  
(CRIME NO.153 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.LENIN KUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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 the offence punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 on the file of the respondent Police, seeks anticipatory bail.

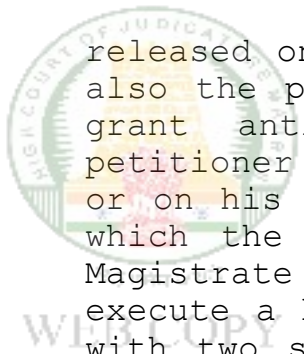
2.The case of the prosecution is that the petitioner along with other accused have illegally transported 4 bags of PDS rice (each contains 50 Kgs) by an Auto.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that only for statistical calculation, the respondent police registered the above case against the petitioner and he has no nexus with the first accused in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are two accused in this case and the petitioner herein is arrayed as A2. He further submitted that A1 was arrested and released on bail by the learned Judicial Magistrate No.III, Madurai as per the order in Crl.M.P.(MD)No.3942 of 2017 on 21.08.2017. He also submitted that four bags of rice were recovered from A1 and based on the confession of A1 the petitioner was implicated as accused and investigation is still pending.

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

5.Considering the facts and circumstances of the case and also taking note of the fact that the co-accused was arrested and



released on bail and the rice bags were also recovered from A1 and also the petitioner is not having previous case, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.III, Madurai 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 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 10.30 a.m. 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 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).

sd/-  
24/08/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,  
CIVIL SUPPLIES C.I.D., MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.29329

ORDER  
IN  
CRL OP(MD) No.10887 of 2017  
Date :24/08/2017