



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

Monday, the Thirtieth day of January Two Thousand Seventeen

PRESENT

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

CRL OP(MD) Nos.119 and 416 of 2017

1 MARIAPPAN @ MARISELVAN
2 MADASAMY

... PETITIONERS/ACCUSED NO.1 & 2 IN
CRL OP(MD) No.119 of 2017

1 SHEIK USMAN
2 S.M.ARIEF KHAN

... PETITIONERS/ACCUSED NO.5 & 6 IN
CRL OP(MD) No.416 of 2017

Vs

STATE REPRESENTED BY ,
THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D. KUZHITHURAI,
AT NAGERCOIL,
KANYAKUMARI DISTRICT,
CRIME NO. 229 OF 2016.

... RESPONDENT/COMPLAINANT IN
BOTH THE PETITIONS

For Petitioner : M/S.S.SUNDARAPANDIAN Advocate in
CRL OP(MD) No.119 of 2017

For Petitioner : M/S.T.LENIN KUMAR, Advocate in
CRL OP(MD) No.416 of 2017

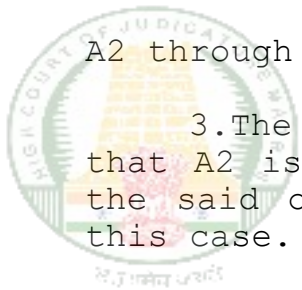
For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side) IN
BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1,2,5 & 6, in Crime No.229 of 2016 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) of TNSC (RDTs) Order 1988 r/w Sections 7(1)(a)(2) of EC Act, 1955 and hence, seek anticipatory bail.

2.The petitioners in Crl.O.P(MD)No.119 of 2017 are A1 & A2 respectively and petitioners in Crl.O.P(MD)No.416 of 2017 are A5 & A6 respectively. A1 is the owner of the Lorry through which PDS rice was transported to Kerala and A2 claims the owner of the PDS rice and A5 and A6 are the purchasers of the PDS rice transported by A1 &



A2 through lorry to Kerala.

3.The learned counsel appearing for the petitioners 1 & 2 state that A2 is the friend of A1 and A3 and A4 were really involved in the said offence and these petitioners were falsely implicated in this case.

4.The learned counsel appearing for the petitioners 5 & 6 state that A5 is running Wholesale rice shop in Kerala and A6, who is son of A5, studying in Aeronautical Engineering in Noorul Islam College of Engineering, Kumarakovil, Thuckalay, Kanyakumari District and there is no such allegation was levelled against A5 that the alleged rice was transported to his shop.

5.The learned Government Advocate (Crl.side) appearing for the respondent states that A1 was arrested on 24.01.2017 and A3 and A4 were arrested on 31.12.2016 and they were in judicial custody. It is further states that 180 bags of PDS rice was transported illegally and Lorry and 180 bags of rice were seized. Investigation is still pending.

6.Considering the facts and circumstances of the case and also considering the seizure of the lorry and 180 bags of rice, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.III, Nagercoil and on each of them executing 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 learned Magistrate concerned and on further condition that the second petitioner in Crl.O.P(MD)No.119 of 2017 shall appear before the respondent police daily at 10.30 a.m., until further orders and petitioners in Crl.O.P(MD)No.416 of 2017 shall appear before the respondent police weekly once I.e., every Saturday at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

8.In respect of A1/first petitioner in Crl.O.P(MD)No.119 of 2017 stands dismissed since he was arrested on 24.01.2017.

sd/-

30/01/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
C.S.C.I.D. KUZHITHURAI, NAGERCOIL, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.S.SUNDARAPANDIAN Advocate SR.No.4962

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.4951

AM

CSL/SV-MMS/SAR-III/31.01.2017 : 3P/7C

ORDER

IN

CRL OP(MD) Nos.119 & 416 of 2017

Date :30/01/2017