



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

Monday, the Eighteenth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12131 of 2017

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PERIYASAMI

... PETITIONER/ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
CSCID KUZHITHURAI,
KANYAKUMARI DISTRICT.
CRIME NO. 152 OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SIVAPRAKASH Advocate

For Respondent : MR.A.RAMAR, Additional Public Prosecutor

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

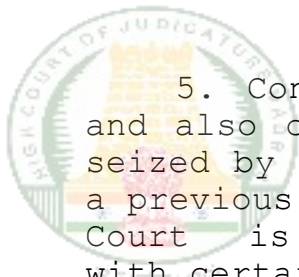
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4), 7(1)(a)(ii) of TN Scheduled Commodities (RCDS) Order, 1982 Essential Commodities Act, 1955, in Crime No.152 of 2017, seeks anticipatory bail.

2. The case of the prosecution is that the accused transported illegally 10 Tons of PDS rice, 200 bags each 50 Kgs, worth about to Rs.56,000/- in a lorry, which belongs to A2 in this case. The PDS rice and lorry were seized by the respondent Police.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent and he has not committed any offence, as alleged by the prosecution.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 3 accused in this case and the petitioner herein is arrayed as A3, who is Driver-cum-broker at the time of occurrence. He also submitted that the accused transported illegally 10 Tons of PDS rice, 200 bags each 50 Kgs, worth about to Rs.56,000/- in a lorry, which belongs to A2 in this case. A1 was arrested and he is in custody. A2 is still absconding. The PDS rice and lorry were seized by the respondent Police and the petitioner is having previous case in Crime No.37 of 2008 for similar type of offence and the investigation is still pending.



5. Considering the above facts and circumstances of the case and also considering the fact that PDS rice along with lorry were seized by the respondent Police and though the petitioner is having a previous case of similar nature, which is of the year 2008, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.III, Nagercoil, 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 the petitioner shall report before respondent Police daily at 10.30 a.m., until further orders, for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C., scrupulously.

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

sd/-
18/09/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.3, NAGERCOIL, KANYAKUMARI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, CSCID,
KUZHITHURAI POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12131 of 2017
Date : 18/09/2017

PK/CM-MSA/SAR-1/21.09.2017 : 2P/5C