



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

Wednesday, the Eighth day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.15174 of 2017

1 SIBI @ JOEN

2 SHANTHI @ ULGAMMAL

... PETITIONERS/ ACCUSED 4 & 5

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

C.S.C.I.D, TIRUNELVELI.

(CRIME NO.187 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.D.VENKATESH, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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.4 and 5, apprehend arrest at the hands of the respondent police for the offences punishable under Sections Clause 6(4) of the TNCS (RDSCS) Order 1982 r/w. Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.187 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the respondent police conducted vehicle check up near Pudur Bharath Petrol Bulk at Kollam-Shengottah main road, they found that the petitioners have illegally transported 10 bags and 40 bags of PDS rice through TATA Sumo and Bolero Pickup bearing registration Nos.TN-76-AE-0265 and KL-25-G-9266. On seeing the respondent police, A1 and A2 fled away from the scene of occurrence. Thereby, the respondent police registered a case against the petitioners for the above said offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are willing to cooperate with the investigation and are ready to abide any condition imposed by this Court.



4. The learned Government Advocate (Crl.side) appearing for the State submitted that this Court has already granted anticipatory bail to A3 in Crl.O.P.(MD)No.14660 of 2017 dated 31.10.2017.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am 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, 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 the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties 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 deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime No.187 of 2017 before the learned Judicial Magistrate No.II, Tirunelveli, without prejudice to their defence before the trial Court within a period of two weeks from the date of receipt of copy of this order. After such deposit, the trial Court shall accept the sureties furnished by the petitioners.

(ii) the petitioners shall report before the respondent police, daily at 10.30 a.m., for a period of two weeks, and thereafter, as and when required for interrogation;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) the petitioners shall not commit any offence while on bail;

(vii) 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 and the
anticipatory bail granted stands cancelled
automatically.

sd/-

08/11/2017

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

TO

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

+1. CC to M/S.D.VENKATESH Advocate SR.No.34089

ORDER

IN

CRL OP(MD) No.15174 of 2017

Date :08/11/2017

MS/PM-PN/SAR.4/13.11.2017/3P.6C