

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

Tuesday, the Fourteenth day of February Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED
CRL OP (MD) No.1599 of 2017

MARIAPPAN @ MARISELVAN

... PETITIONER/ ACCUSED NO.1

Vs

STATE REP.BY
SUB-INSPECTOR OF POLICE
C.S.C.I.D.KUZHITHURAI,
AT NAGERCOIL
KANYAKUMARI DISTRICT.
(CRIME NO.229 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SUNDARAPANDIAN Advocate

For Respondent :Mr.P.KANDASAMY, Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner / A1, who was arrested on 24.01.2017 for the offences punishable under Section 6(4) of TNSC (RDCS) and 1988 r/w Sections 7(1)(a)(ii) of EC Act, 1955 in Crime No.229 of 2016 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused illegally transported 120 bags of PDS rice.

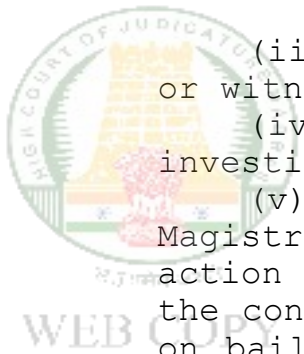
3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he has no bad antecedent.

4.The learned Government Advocate(Crl. Side) submitted that totally there are 6 accused and the petitioner is arrayed as A1 in this case. He also submitted that A3 and A4 were arrested and granted bail by the lower court and also A2, A5 and A6 were granted anticipatory bail by this Court in Crl.O.P.(MD)No.119 of 2017 on 30.01.2017. He further submitted that the tipper lorry as well as rice were seized by the respondent Police and investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that the tipper lorry as well as rice were seized and there is no bad antecedent against the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i)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 Judicial Magistrate No.III, Nagercoil;

(ii)the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;



(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-

14/02/2017

/ 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. DO-THROUGH CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3. SUB-INSPECTOR OF POLICE
C.S.C.I.D.KUZHITHURAI,
AT NAGERCOIL, KANYAKUMARI DISTRICT.

4. THE SUPERINTENDENT,
CENTAL PRISON, PLAYAMKOTTAI.

5. ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SUNDARAPANDIAN Advocate SR.No.8118

ORDER

IN

CRL OP(MD) No.1599 of 2017

Date : 14/02/2017

MS/SKN.RSK/14.2.2017/2P.6C