



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

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16979 of 2017

1 PANDA MURUGAN @ M. MURUGAN

2 R. PANDI

3 B. BALAJI

... PETITIONERS / ACCUSED 3 TO 5

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,

CIVIL SUPPLIES CID, MADURAI,

CRIME NO.203/2017

... RESPONDENT / COMPLAINANT

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

For Respondent : MR.K.ANBARASAN Government Advocate (Crl. Side)

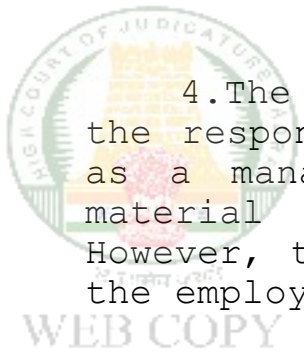
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A3 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under clause 6(2)(3)(4) of TNSC (RDCS) Order, 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.203 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner/A3 is the Manager of A1, A4 and A5 are the lorry drivers of A1 company. On 05.12.2017, the Law Enforcing Agency has conducted a surprise check and it was found unauthorised smuggling of essential commodities, which were loaded in the lorry bearing registration Nos.TN-28-V-6162 and TN-67-A-3252, which were parked in the Kalmedu Narikuravar Colony. Thereafter, the Law Enforcing Agency has seized 210 PDS rice bags, which were meant for Public Distribution System. Hence, the Law Enforcing Agency registered a complaint against these petitioners.

3.The learned counsel for the petitioners submitted that the first petitioner is the manager, second and third petitioners are the drivers of the company. They are the employees of the A1 company. The petitioner/A1 and other accused persons were arrested and remanded to judicial custody. Accordingly, they prayed for anticipatory bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent submitted that the first petitioner is working as a manager in the A1 company who has prepared a bogus material to supply the ration rice to the open market. However, the other accused persons and other lorry drivers are the employees of A1 company.

5. Since, there is a serious allegation against the 1st petitioner / A3, this Court is not inclined to grant anticipatory bail to the 1st petitioner / A3. Hence this petition is dismissed as against the 1st petitioner / A3.

6.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), the 2nd and 3rd petitioners/A4 and A5 are working as a driver in the A1 company, this Court is not inclined to grant anticipatory bail to the petitioners/A4 and A5 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.III, Madurai, 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 each 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/A4 and A5 shall report before the respondent police daily twice, at morning 10.30 a.m and evening 5.30 p.m, and thereafter, the petitioners shall report before the respondent police as and when required ;

(ii)the petitioners/A4 and A5 shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners/A4 and A5 shall not commit any offence while on anticipatory bail;

(iv) the petitioners/A4 and A5 shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioners/A4 and A5 shall not abscond either during investigation or trial;

(vi) 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/-
11/12/2017

/ TRUE COPY /

WEB COPY

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

RMI

TO

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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.35971

GJM/CM/VR/SAR-2-12.12.2017-3P-6C

ORDER
IN
CRL OP(MD) No.16979 of 2017
Date :11/12/2017