



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

Tuesday, the Twelfth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17070 of 2017

1 GOPAL

2 SUTHANTHIRA DEVI

... PETITIONERS/ACCUSED 2 & 3

Vs

STATE BY,
THE INSPECTOR OF POLICE,
CSCID UTHAMAPALAYAM,
THENI DISTRICT.
CRIME NO.151/2017

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.G.RAJAN Advocate

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

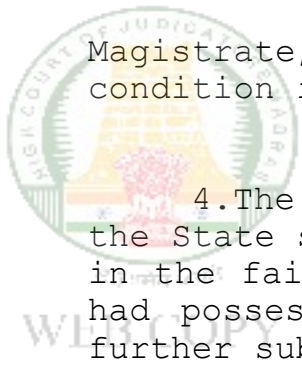
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 17 of TNK (RD) Order 1973 & Section 6(2)(3) of TNSC (RDCS) of Order 1982 r.w. Section 7(1)(a) (II) of EC Act 1955, in Crime No.151 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that first petitioner is the husband of the second petitioner, who is the sales woman in the Fair Price Shop. The allegation against A1 is that A1 purchased the kerosene from the petitioners/A2 and A3. Based on the complaint given by the Taluk Supply Officer, the respondent police searched the petitioners' house and seized 110 litres of Kerosene, which is meant for Public Distribution System. Accordingly, the law enforcing agency registered a case against the petitioners and other accused for the aforesaid offences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He would further submit that A1 was arrested and released on bail before the learned Judicial



Magistrate, Uthamapalayam and the petitioners are ready to abide any condition imposed by this Court.

4.The learned Government Advocate (Criminal side) appearing for the State submitted that the second petitioner being the sales woman in the fair price shop, have illegally sold the kerosene to A1 and had possession of 110 litres of kerosene in her house. He would further submit that the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal 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, Uthamapalayam, 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.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Crime No.151 of 2017 before the learned Judicial Magistrate, Uthamapalayam, 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 four 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.

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sd/-
12/12/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI
- 3 THE INSPECTOR OF POLICE, CSCID UTHAMAPALAYAM, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.RAJAN Advocate SR.No.36060

ORDER
IN
CRL OP(MD) No.17070 of 2017
Date :12/12/2017

PK/RR/SAR-3/18.12.2017 : 3P/6C