



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

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.17986 of 2017

PANDA MURUGAN @ MURUGAN

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
CIVIL SUPPLIES CID, MADURAI,
(CRIME NO.203/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.DHANDAPANI Advocate

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

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

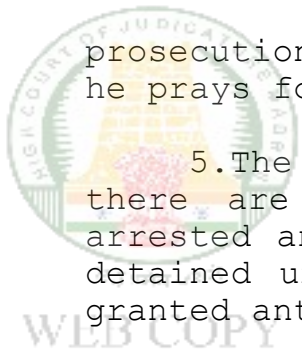
ORDER : The Court Made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(2),6(3),6(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, seeks anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that on 05.12.2017 when the Police party was on surveillance, they found that two lorries bearing Registration Nos.TN-28-V6162 and TN-67-A-3252 carrying on a board " Civil Supplies Urgent" were parked at Kalmedu Narikuravar Colony. On inspection, it is found that A1, who is a transport contractor of Tamil Nadu Civil Supply Corporation transported 86 bags of rice (each contains 50 Kgs) and 110 bags of rice (each contains 50 kgs) through the above said lorries respectively. The respondent police seized 210 bags of PDS rice (each contains 50 kgs) along with vehicles. Based on the complaint, case was registered for the above said offences

4.It is submitted by the learned counsel for the petitioner that A1 is the owner of the Rice Mill and the petitioner/A3 is working as Manager under A1. While transporting the rice bags from the Rice Mill to the shop, the respondent intercepted and seized the vehicles with rice. He further submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the



prosecution and he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

5.The learned Government Advocate (Crl.side) submitted that there are totally eight accused in this case. A1 was already arrested and released on bail. Since A2 have previous case, he was detained under Goondas Act. Except this petitioner, A4 to A8 were granted anticipatory bail by this Court.

6.Considering the facts and circumstances of the case and taking note of the fact that A1 and A2 are the prime culprits and that A1, who is the owner of the Mill, has been arrested and released on bail and A2 has been arrested and detained under Goondas Act and that A4 to A8 were granted anticipatory bail by this Court, and also taking note of the fact that A3 is only the Manager of the Rice Mill, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 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;

[a] the petitioner 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;

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned 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 learned 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/-

28/12/2017

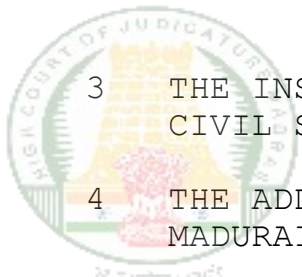
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.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.DHANDAPANI Advocate SR.No.37115

ORDER

IN

CRL OP (MD) No.17986 of 2017

Date :28/12/2017

MKV-CM-VR-SAR 4/28.12.2017/3P-6C