



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

Wednesday, the Fifth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21374 of 2018

K.P.PANDIAN

... PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CSCID, UTHAMAPALAYAM,
THENI DISTRICT.
(CRIME.NO.172/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.J.KARTHICK Advocate

For Respondent : Mr. Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

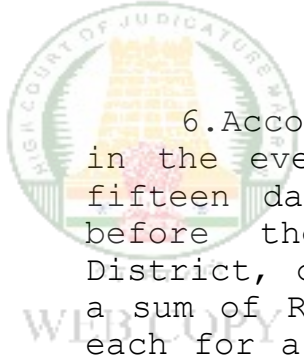
The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 6(4) r/w 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Cr.No.172 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that 18.11.2018, when the respondent police whereon inspection, the petitioner was in possession of 200 kilograms of PDS Rice in the Jeep driven by him which was transported from Tamilnadu to Kerala.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) submitted that the accused person transported 200 kilograms of PDS Rice from Tamilnadu to Kerala.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.



6. 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, Uthamapalayam, Theni District, on condition that 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.5,000 (Rupees Five thousand only) to the credit of the Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/12/2018

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
- 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.

COPY TO

THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR AGED AND POOR, UTHANGUDI,
MADURAI.

+1. CC to Mr.R.J.KARTHICK Advocate SR.No.98839

PS/JC/SAR-3/11/12/2018/3P/7C

ORDER
IN
CRL OP (MD) No.21374 of 2018
Date :05/12/2018