



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

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1470 of 2018

R.RAJEEV

... PETITIONER/ACCUSED

Vs

THE INSPECTOR OF POLICE
CSCID WING, KANYAKUMARI DISTRICT
AT NAGERCOIL,
CRIME NO.158/17

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.P.NARAYANAKUMAR Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent Police for the offences punishable under Sections 6(4) of TNSE (RDCF Order) r/w. 7(1)(a)(2) of EC Act, in Crime No.158 of 2017, seeks anticipatory bail.

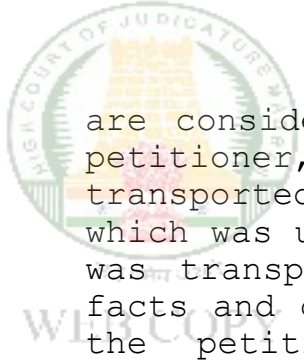
2.The case of the prosecution is that, when the respondent Police was conducted ride on 20.09.2017, the petitioner is said to have transported 4 Tons of Ration rice illegally, by using Lorry bearing Regn. No.KL 21 B 4961. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner is the owner of the Lorry and the stolen properties as well as the lorry have been recovered by the respondent police. According to him, investigation is not yet completed.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The submissions made by the learned counsel on either side



are considered. It is alleged, during the time of occurrence, the petitioner, being the owner of the Lorry bearing Regn. No.KL 21 B transported the Ration rice illegally. As of now, the property, which was used for the commission offence and the Ration rice, which was transported illegally, have been recovered. Considering the facts and circumstances of the case, the custodial interrogation of the petitioners may not be necessary for completing the investigation. However, since the Lorry which was recovered in this case has involved in one another proceeding initiated by the District Revenue Officer, this Court is inclined to grant anticipatory bail to the petitioner with some stringent conditions.

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 No.III, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.158 of 2017, on the file of the learned Judicial Magistrate No.III, Nagercoil, without prejudice his defence before the Trial Court.

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m until further orders.

(iii) the petitioner shall not tamper with 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 anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

27/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
CSCID WING, KANYAKUMARI DISTRICT AT NAGERCOIL,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.K.P.NARAYANAKUMAR Advocate SR.No.3198

ORDER

IN

CRL OP(MD) No.1470 of 2018

Date :27/02/2018

SMA/CSL/SAR-3/07.03.2018:3P/6C