



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

Tuesday, the Sixth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1810 of 2018

RAVI

... PETITIONER/ACCUSED-2

Vs

STATE REP BY,
THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID-POLICE STATION (CSCID)
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.11 OF 2018)

... COMPLAINANT/RESPONDENT

For Petitioner : M/S.D.BALAMURUGAPANDI, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 (2) (3) (4) of TNSE (RDCS) Order, 1982, r/w. 7(1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.11 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused were found in possession of 300 Kgms of PDS Rice in the Auto bearing No.TN-65-Z-9378 worth about a sum of Rs.1685/-. Hence, the case has been registered for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that he has been falsely implicated in this case.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the investigation is in progress. He further submitted that the properties were recovered.



5. The submissions made by either side are considered. It is alleged that during the time of occurrence, the petitioner had found in possession of 300 Kgms of PDS Rice in the Auto bearing No.TN-65-Z-9378 worth about a sum of Rs.1685/-. The first accused in this case was already arrested and released on bail. As per the submission of the learned Government Advocate (Criminal side), as of now, the property which was possessed by the petitioner was recovered. So, considering the stage of investigation, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant bail to the petitioner with some stringent conditions. 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 on which the order copy is made ready, before the learned Judicial Magistrate No.2, Ramanathapuram, Ramanathapuram District, 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 report before the respondent police daily at 10.30 a.m., until further orders;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-

06/02/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.2, RAMANATHAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID-POLICE STATION (CSCID)
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.2059

ORDER

IN

CRL OP(MD) No.1810 of 2018

Date :06/02/2018

PK/PM-PN/SAR-2/13.02.2018 : 3P/6C