



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2324 of 2018

1 C.RAJAVEL
2 RADHAKRISHNAN
3 C.KANAGAVEL

... PETITIONERS/ACCUSED 2,3 & 7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CIVIL SUPPLY CID POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT
IN CR.NO. 5/2018

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.B.CHANDRAMOHAN Advocate

For Respondent : MR.A.ROBINSON, 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, 3 and 7, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of E.C.Act, registered in Crime No.5 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 08.01.2018, during the vehicle check up, the respondent police found a Lorry bearing Registration No.TN.20.L.2664 having 100 bags of PDS Rice, each weighing about 50 Kgs at Theni-Uthamapalayam Main Road.

3.The learned counsel appearing for the petitioners not pressed the application with regard to the first petitioner/second accused and submitted that the petitioners 2 & 3 have been falsely implicated in this case. They have not committed any offence as alleged by the prosecution and only on the confession of the A1 all accused are arrayed in this case and hence he pleads for grant of anticipatory bail to the petitioners 2 & 3.



4.The learned Government Advocate (Crl. Side) submitted that the investigation is still pending. According to him, the property and the vehicle were recovered.

5.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners not pressed the petition with regard to the first petitioner who is the second accused in the alleged offence. He has also made an endorsement to that effect. In view of the endorsement made by the learned counsel for the petitioners, this **criminal original petition is dismissed as withdrawn in respect of the first petitioner.**

6.Having regard to 2nd and 3rd petitioner the submission made by the counsel appearing on either side, discloses that the second petitioner in this case collected the ration rice from various people for the purpose of selling the same in Kerala. For which, the third petitioner, giving his lorry for transporting the same, thereby the second and third petitioners are arrayed as accused in this case. As of now, according to the prosecution, the property which was purchased by the second petitioner and the lorry which was used for the transportation was recovered and part of the investigation is completed. Admittedly, the petitioners not having any previous cases. Thereby, considering the fact that the properties and the vehicle which were used for the commission of offence was recovered, further custodial interrogation of the petitioners 2 and 3 may not be necessary.

7.Accordingly, considering the facts and circumstances of this case, with regard to the petitioners 2 & 3 are concerned, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3. Accordingly, the petitioners 2 & 3 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 each of the petitioners 2 & 3 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 petitioners 2 & 3 shall report before the respondent police, daily at 10.00 a.m and 5.00 p.m., until further orders.



(ii) the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners 2 & 3 shall not abscond either during investigation or trial.

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(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners 2 & 3 shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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/-

22/02/2018

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

TM

TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE
CIVIL SUPPLY CID POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT.

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

+1. CC to M/S.B.CHANDRAMOHAN Advocate SR.No.2925

GJM/SMA/SAR-2-28.2.18-3P-6C

ORDER

IN

CRL OP(MD) No.2324 of 2018

Date : 22/02/2018