



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.254 of 2018

SUTHEESH

... PETITIONER/SOLE ACCUSED

Vs

STATE OF TAMILNADU REPRESENTED BY ITS
THE INSPECTOR OF POLICE
CSCID KUZHITHURAI UNIT
KANYAKUMARI DISTRICT
(CRIME No.179 OF 2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.ARAVINTHAN Advocate

For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

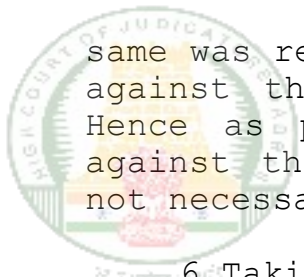
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 6(4) of Tamilnadu Scheduled Commodities (RDCS) Order 1982 r/w 7(1) (a) (ii) of Essential Commodities Act, 1955 in Crime No.179 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was in possession of PDS rice illegally.

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. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered for the offences punishable under Section 6(4) of Tamilnadu Scheduled Commodities (RDCS) Order 1982 r/w 7(1) (a) (ii) of Essential Commodities Act, 1955. Admittedly, the petitioner is not an employee of ration shop. Further, the property was not recovered from this petitioner and the



same was recovered from the some other accused. The only allegation against the petitioner is that he threatened the audit officer. Hence as per the FIR, there is no direct overt act attributed against this petitioner. Accordingly, custodial interrogation is not necessary.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is 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 No. III, Kuzhithurai, Kanyakumari District on condition that each of 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. for a period of three weeks and thereafter, as and when required for interrogation.

(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 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/-
09/01/2018

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



gns/smn2

TO

1 THE JUDICIAL MAGISTRATE NO.III,
KUZHITHURAI, KANYAKUMARI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT

3 THE INSPECTOR OF POLICE
CSCID KUZHITHURAI UNIT
KANYAKUMARI DISTRICT

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

+1. CC to M/S.G.ARAVINTHAN Advocate SR.No.443

ORDER

IN

CRL OP(MD) No.254 of 2018

Date :09/01/2018

SMA/RR/SAR-3/11.01.2018:3P/6c