



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

Wednesday, the Fourteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3978 of 2018

ILAYARAJA

... PETITIONER/ACCUSED NO.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CSCID WING,
TIRUNELVELI DISTRICT.
CRIME NO.38 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.J.SULTHAN BASHA, for M/S.AJMAL ASSOCIATES
Advocate

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

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

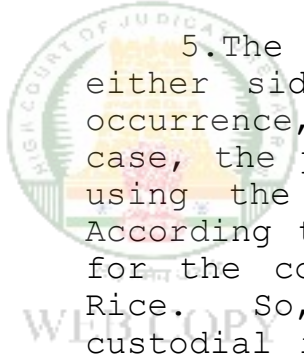
ORDER : The Court Made the following order :-

The petitioner / A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) TNSC (RDCS) order 1982 r/w.7(i)(a)(ii) of Essential Commodities Act, 1955, in Crime No.38 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on secret information, the defacto complainant conducted a vehicle search nearby S.V.B Rice Mill, at that time, he found that the petitioner and other accused in this case had transported 10 bags of PDS Rice, weighing 500 kgs. 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, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the petitioner is having one previous case. He further added that the stolen properties and the vehicle, which was used for the commission of offence, have been recovered. According to him, investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, after made conspiracy with the other accused in this case, the petitioner had tried to transport 500 kgs of PDS Rice by using the Maruthi Omni bearing Registration No. TN-22-AD-3931. According to prosecution, as of now, the property, which was used for the commission of offence has been recovered along with PDS Rice. So, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. However, considering the submission made by the learned Government Advocate (Crl.Side) appearing for the State that the petitioner is having one another case in similar nature of offence, this Court decided to impose some stringent condition for granting anticipatory bail to the petitioner. Accordingly, he 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.II, Tirunelveli, 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 Inspector of Police, Krishnagiri Town Police, Krishnagiri daily at 10.00 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 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/-
14/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE, CSCID WING, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE, KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

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

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.55444

MSA

CSL/PN/SAR-IV/06.04.2018 :3P/7C

ORDER

IN

CRL OP(MD) No.3978 of 2018

Date :14/03/2018