



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

Tuesday, the Twenty Seventh day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4267 of 2018

MARIAPPAN

... PETITIONER / ACCUSED No.1

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : 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 :-

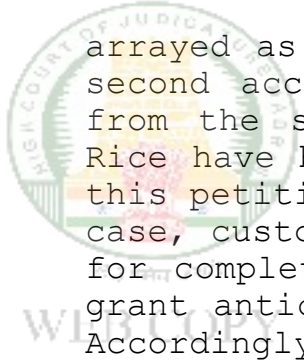
The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6(4) of TNSC (RDCS) order 1982 r/w 7(i) a(ii) of Essential Commodities Act, 1955, in Crime No.38 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, on 04.03.2018, the respondent police along with other official had conducted a surveillance nearby S.V.B.Rice Mill, at that time, the other accused in this case had illegally transported the 3500 kgs of PDS Rice. Hence, a 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. Hence, he prays for anticipatory bail.

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

5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the petitioner herein is



arrayed as an accused as per the confession statement given by the second accused in this case. Only after recording the submission from the second accused, the properties weighing 3500 kgs of PDS Rice have been recovered. Further, no property is recovered through this petitioner. So, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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 respondent Police daily at 10.00 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/-

27/03/2018

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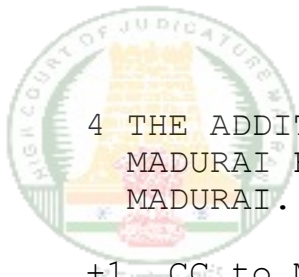
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO-II,
TIRUNELVELI.

2 DO THOUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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



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

+1. CC to M/S.AJMAL ASSOCIATES, Advocate SR.No.58576.

WEB COPY

ORDER

IN

CRL OP (MD) No.4267 of 2018

Date :27/03/2018

SDS/CM:VR/SAR.4/06.04.2018/3P/6C