



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

Thursday, the Fifteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19684 of 2018

ANATHRAJ

... PETITIONER/ ACCUSED No. 2

Vs

STATE REP BY
INSPECTOR OF POLICE,
C.S.C.I.D POLICE STATION,
TUTICORIN DISTRICT.
CR. NO.122/2018

... RESPONDENT

For Petitioner : MR.S.SENTHIL SANKARA NATHAKUM Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

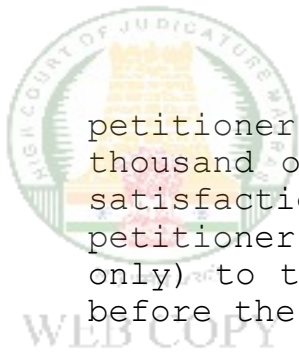
The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 6(4) of TNSC (RDCS) order 1982 r/w 7(1)(a)(ii) of EC Act, 1955 in Crime No.122 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners illegally transported 40 Kgs., of PDS rice.

3.The learned counsel for the petitioners submitted that the petitioner is A2 in this case and he has not committed any offences as alleged by the prosecution. He has been falsely implicated in this case and that therefore, they may be granted anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the State submitted that he has to be directed to deposit the conditional amount to the credit of Crime number. The petitioner is agreeable to the same.

5.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.3, Tuticorin, on condition that the



petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned. The first petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.122 of 2018 and produce the receipt before the Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of fifteen days, this order shall stand automatically cancelled without any reference to the Court.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO III, TUTICORIN

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE,
C.S.C.I.D POLICE STATION, TUTICORIN DISTRICT.

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

+1. CC to MR.S.SENTHIL SANKARA NATHA KUMAR Advocate SR.No.21774

ORDER

IN

CRL OP(MD) No.19684 of 2018

Date :15/11/2018