



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

Thursday, the Seventh day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3571 of 2019

HAKKEEM

... PETITIONER / A 1

Vs

THE INSPECTOR OF POLICE
CSCID, UTHAMAPALAYAM,
THENI DISTRICT
(CR.NO.33/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.K.MANICKAM Advocate

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

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

ORDER : The Court Made the following order :-

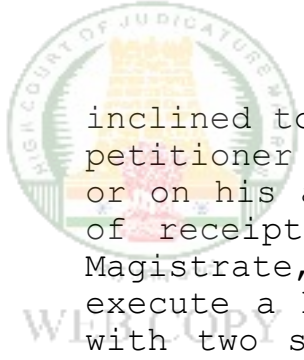
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w. 7(1) (a) (II) of EC Act, 1955, in Cr.No.33 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.03.2009, on secret information, when the respondent conducted vehicle check up, they found that the petitioner illegally transported 46 kilograms of PDS rice worth about Rs.260/-.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent persons and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the petitioner transported 46 kilograms of PDS rice, hence, this Court may impose any stringent condition to the petitioner.

5.Considering the facts and circumstances of the case and no similar type of cases pending against the petitioner, this Court is



inclined to grant anticipatory bail to the petitioner. Accordingly, 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, Uthamapalayam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner is directed to pay a sum of Rs.30,000/- to the Panchayat Union Primary School, Annapuram, Cumbum, Theni District, before execution of sureties and the same shall be report before this Court;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6.For reporting compliance post the matter on 21.03.2019.

sd/-
07/03/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE
CSCID, UTHAMAPALAYAM, THENI DISTRICT

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

COPY TO:- THE PANCHAYAT UNION PRIMARY SCHOOL,
ANNAPURAM, CUMBUM, THENI DISTRICT

+1. CC to MR.A.K.MANICKAM Advocate SR.No.4430

ORDER

IN

CRL OP(MD) No.3571 of 2019

Date :07/03/2019

MSI/JC/SAR 2/13.03.2019/3P-7C