



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

Tuesday, the Twenty Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4493 of 2019

1 MANIKANDAN
2 RAJARAM
3 GANESAN

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP BY
THE INSPECTOR OF POLICE
CSCID-UNIT,UTHAMAPALAYAM,
THENI DISTRICT.
Crime No. 3 of 2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.P. SENGUTTARASAN Advocate

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

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

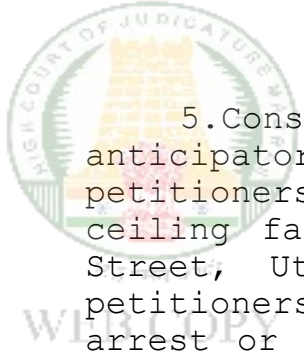
ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Section 6 (4) of TNSC (RDSCS) Order 1982 r/w 7(1) a (ii) of EC Act 1955 in Cr.No.3 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 2,150 kilos of PDS rice.

3. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they are no way connected with the alleged offence. He would further submit that the petitioners are ready to deposit any amount to the welfare of the students in any school. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) vehemently opposed for grant of bail stating that there are three previous cases pending against the petitioners. However anticipatory bail may granted by imposing stringent conditions.



5. Considering the nature of the case, I am inclined to grant anticipatory bail to the petitioners with a condition that the petitioners shall purchase and give wardrobe, table with chair and ceiling fan to the Panjayat Union Middle School, Gnanamman Kovil Street, Uthamapalayam worth about Rs.25,000/-. Accordingly, the petitioners are 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 Judicial Magistrate, Uthamapalayam, on condition that the petitioners 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 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 petitioners are directed to purchase wardrobe, table with chair and ceiling fan and give them to the Panjayat Union Middle School, Gnanamman Kovil Street, Uthama palayam worth about Rs.25,000/- and thereafter sureties shall be accepted

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

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

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

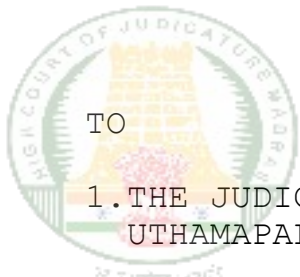
(e) the petitioners shall not abscond either during investigation or trial;

(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.

sd/-
26/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSEPCTOR OF POLICE,
CSCID-UNIT,
UTHAMAPALAYAM, THENI DISTRICT.

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

COPY TO:

THE PANJAYAT UNION MIDDLE SCHOOL,
GNANAMMAN KOVIL STREE, UTHAMAPALAYAM.

+1. CC to Mr.P.SENGUTTARASAN Advocate SR.No.5655

ORDER

IN

CRL OP (MD) No.4493 of 2019

Date :26/03/2019

TK/MMS/SAR-1/03.04.2019/3P/7C