



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.566 of 2019

ARUL MANIKANDAN,

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
C.S.C.I.D.,
TIRUNELVELI.
(CRIME NO.6/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.KAMALA JAYANTHI 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 :-

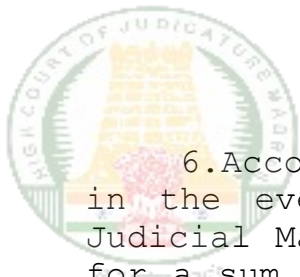
The petitioner, apprehending arrest at the hands of the respondent police for the offence punishable under Section 6(2)(3) (4) of TN Schedule Commodities (RDCS) order, 1982 r/w Section 7(1) (a)(ii) of Essential Commodities Act, 1955 in Crime No.6 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his driver kept 105 bags of rice each weighing 50 kgs meant for Public Distribution System.

3.The learned counsel for the petitioner submits that the petitioner is the owner of the vehicle. He is innocent and he had nothing to do with the alleged crime. Hence, anticipatory bail may be granted to him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is in progress.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Tirunelveli, and on his executing 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 and on further conditions that;

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall give 50 bags Ponni boiled rice to Rojavanam, Home for Aged and Poor, Madurai.

[c] The petitioner report before the respondent Police as and when required for interrogation.

[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 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]**.

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

sd/-
11/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
TIRUNELVELI.

<https://hcservices.ecourts.gov.in/hcservices/>

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE,
C.S.C.I.D.,
TIRUNELVELI.

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

+1. CC to M/S.N.KAMALA JAYANTHI Advocate SR.No.779

ORDER
IN
CRL OP (MD) No.566 of 2019
Date :11/01/2019

AE/PN/SAR3/21.01.2019/3P/6C