



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

Friday, the Eighteenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.639 of 2019

1 RAJAN

2 SANKAR RAJ

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
CSCID, VIRUDHUNAGAR.
CRIME NO. 142 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioners : MR.T.SELVAKUMAR FOR MR.A.DENNISON 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 apprehend arrest by the respondent police for the offences punishable under Sections 6(2), 6(3), 6(4) of Tamil Nadu Schedule Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1985 in Cr.No.142 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 12.12.2017 at about 01.30 a.m., in front of the civil supplies shop at Rajapalayam Main Road, the lorry bearing Registration Nos.TN 69 AL 9307 and TN 75 A 6139, were used for loading and transporting of ration rice.

3.The learned counsel for the petitioners would submit that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) opposes to grant anticipatory bail to the petitioners.

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

5.Taking into consideration the facts of the case and the



submissions by learned counsel, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, 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 said Magistrate, on further condition that:

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

[b] the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) each to the credit of Rojavanam, Home for Aged and Poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai and produce the proof the same.

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

[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 petitioner 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]**.

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

sd/-

18/01/2019

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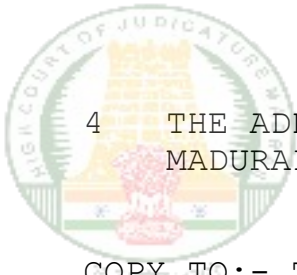
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO III
NAGERCOIL, KANIYAKUMARI DISTRICT

2 DO THROUGH CHIEF JUDICIAL MAGISTRATE
KANIYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
CSCID, VIRUDHUNAGAR.



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

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COPY TO:- THE OFFICER IN-CHARGE,
ROJAVANAM,
HOMELESS & AGED CARE CENTRE,
MELUR ROAD, UTHANGUDI, MADURAI

+1. CC to MR.A.DENNISON Advocate SR.No.939

ORDER
IN
CRL OP (MD) No.639 of 2019
Date :18/01/2019

MSI/JC/SAR-III/23.01.2019-3P/7C