



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.638 of 2019

P.SHAGUL HAMMED,

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CSCID, VIRUDHUNAGAR.
(CRIME NO.138/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : 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 petitioner, who apprehends arrest by the respondent police for the offences punishable under Section 6(4) of Tamil Nadu Schedule Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1985 in Cr.No.138 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 19.10.2018 at about 16.30 hours the civil supplies CID Police were on riding in duty, they have found that at Saminatham Kandammal Kovil Street, two lorries bearing Registration Nos.TN 28 AC 8329 and TN 74 V 5468 were used for transporting ration rice 60 bags gingelly oil cake and 52 bags of ration rice. At the time of loading the alleged ration rice, the respondent police seized the vehicles and registered the case as stated supra.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

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



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 petitioner.

6. 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.III, Nagercoil, 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 said Magistrate, on further condition 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 deposit a sum of Rs.5,000/- (Rupees Five thousand only) 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 petitioner 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/01/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.III,
NAGERCOIL.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
NAGERCOIL AT KANYAKUMARI DISTRICT.

3. THE INSPECTOR OF POLICE,
CSCID, VIRUDHUNAGAR.

4. THE OFFICER INCHARGE
ROJAVANAM, HOME FOR AGED AND POOR,
ULAGANERI, MELUR ROAD, MADURAI.

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

+1. CC to MR.A.DENNISON Advocate SR.No.940

ORDER
IN
CRL OP (MD) No.638 of 2019
Date :18/01/2019

AE/PN/SAR2/23.01.2019/3P/7C