

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7290 of 2019

H.RAHEEM, ... PETITIONER / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D,
TIRUNELVELI.
(CRIME NO.108 OF 2019). ... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.LENIN KUMAR Advocate

For Respondent : MR.R.ANANDARAJ,
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused (Rank not Known), apprehending arrest at the hands of the respondent police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.108 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 16.05.2019, when the respondent police was on surveillance to unearth hoarding of scheduled commodities, a Lorry bearing registration No.KL-21-F-425 was found in possession of 14 bags of rice (Each contains 50 Kgs.)

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

4.The learned Government Advocate (Criminal Side) would submit that the property involved in this case has been recovered.

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

5.The submissions made by the learned counsel appearing on

either side are considered. The petitioner is the first offender. The learned Government Advocate (Crl. Side) fairly conceded that the property involved in this case has been recovered. Considering the facts and circumstances of the case, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Further, substantial portion of investigation has been completed. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions 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.II, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii) the Petitioner shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

(iii) the Petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC.

(v) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
29/05/2019

/ TRUE COPY /

TO

1. THE JUDICIAL MAGISTRATE NO.II,
TIRUNELVELI

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

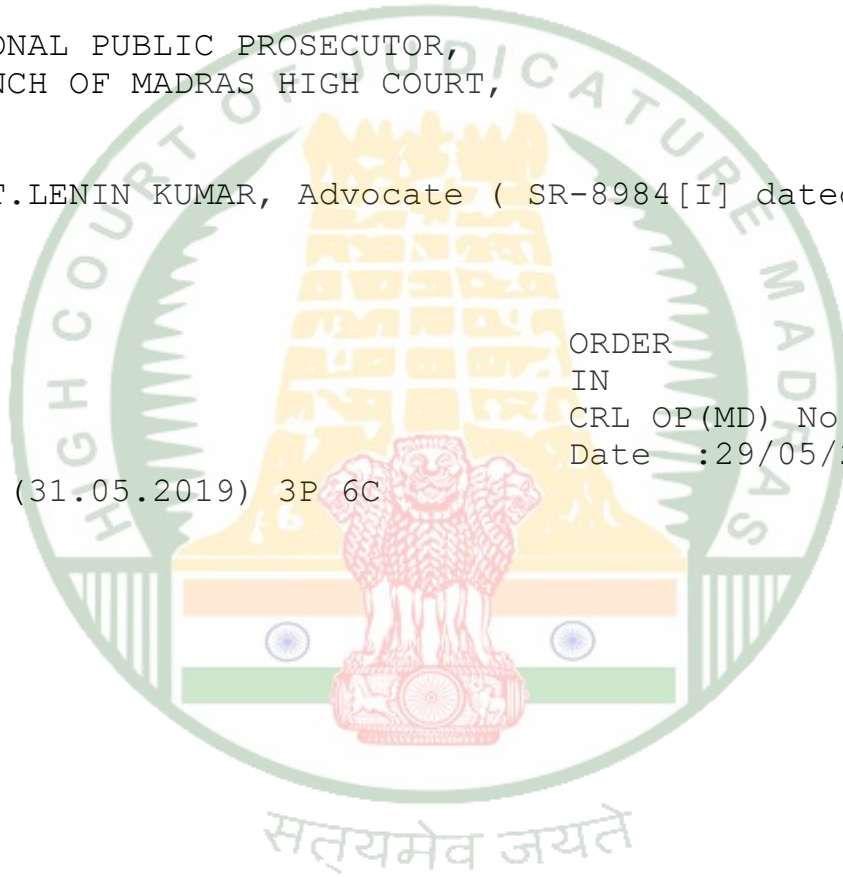
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D,
TIRUNELVELI.

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

+1 CC to MR.T.LENIN KUMAR, Advocate (SR-8984[I] dated 30/05/2019)

ORDER
IN
CRL OP(MD) No.7290 of 2019
Date : 29/05/2019

AE/VR/SAR-IV (31.05.2019) 3P 6C



WEB COPY