



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 10/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7389 of 2019

Arun

... Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
CSCID, Tirunelveli Police Station,
Tirunelveli District.
(Crime No.94 of 2019)

... Respondent/Complainant

For Petitioner : M/s.G.Thalaimutharasu,
Advocate.
For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.94 of 2019 on the file of the respondent police.

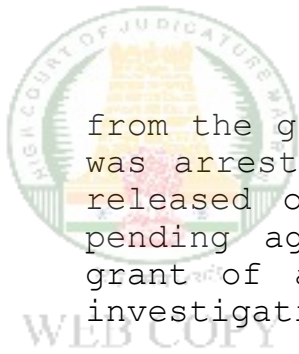
ORDER : The Court Made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 6(4) of the Tamil Nadu Scheduled Commodity (RDCS) Orders 1982 and Section 7(1)(a)(ii) of Essential Commodity Act, 1955, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit that the petitioner is running a grocery shop and he has been falsely implicated in the above case. He further submitted that already A2 was arrested, remanded to judicial custody and subsequently he was released on bail. Hence, he prayed for grant of anticipatory to the petitioner.

4.The learned Additional Public Prosecutor would submit that A2 is working in the shop of A1 and 560kgs of PDS rice was seized



from the grocery shop of A1 . He would also submit that already A2 was arrested, remanded to judicial custody and subsequently he was released on bail. He would also submit that no previous case is pending against the petitioner herein. However, he opposed for grant of anticipatory bail to the petitioner on the ground that investigation is pending.

5. Taking into consideration of the quantity of PDS rice is said to have been seized from the petitioner's shop and also the fact that no previous case is pending against the petitioner and also the fact that already A2 was arrested and subsequently he was released on bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing conditions.

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.10,000/- (Rupees ten 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:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 A.M for a period of Three Weeks and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trail.

[e] 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].

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

sd/-

10/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
CSCID, TIRUNELVELI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.9414

ORDER

IN

CRL OP (MD) No.7389 of 2019

Date :10/06/2019

MS/VR/SAR-4/18.06.2019/3P.6C