

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 18/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8439 of 2019

Jothi Ramalingam

... Petitioner/6th Accused

Vs

State Rep.by

The Sub - Inspector of Police,

C.S.C.I.D., Ramanathapuram,

Crime No.67/2019.

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in crime no.67/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 (2) (3) (4) of TNSC (RDCS) Order 1982, r/w 7 (1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.67 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that based on the confession of A1 to A4, the petitioner has been falsely implicated in this case. He further submitted that even as per the FIR, on 13.06.2019, when the respondent police along with their subordinates were on surveillance to unearth smuggling of PDS rice, a van bearing registration No.TN-57-8833 came in Kamuthi to Sayalkudi Road. Immediately, the respondent intercepted the vehicle and enquires and that the enquiry revealed that the A1 to A4 transported 60 bags (each contains 50 Kgs) of rice bags from the fair price shop to A5. The petitioner/A6 is an employee working

under A5. He further submitted that the entire contraband and the said vehicle was seized from A1 to A4 and already A1 to A4 were arrested and remanded to judicial custody, and hence, he prayed for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that totally 6 accused involved in this case. A1 to A4 have illegally transported 60 bags (each contains 50 Kgs) of PDS rice for A5. The petitioner is A6, who is worked under A5. Hence, he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner and A1 to A4 were already arrested and remanded to judicial custody.

5. Considering the aforesaid fact that the main allegation is only against A1 to A4 and they were already arrested and remanded to judicial custody and only based on the confession of co-accused the petitioner has been implicated in this case and also the fact that the petitioner is not having any previous 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.II, Ramanathapuram, 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:

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

(ii) 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 before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.

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

3. THE SUB - INSPECTOR OF POLICE,
C.S.C.I.D., RAMANATHAPURAM.

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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.9945

ORDER

IN

CRL OP(MD) No.8439 of 2019

Date :18/06/2019

MS/VR/SAR-4/25.06.2019/3P.6C

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