



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10469 of 2019

Karthick

... Petitioner/3rd Accused

Vs

The State rep.by
The Inspector of Police,
Civil Supplies C.I.D,
Virudhunagar.
Crime No.109 of 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 :-

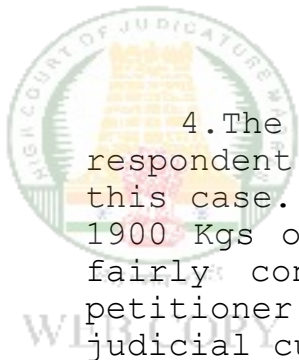
For Anticipatory Bail in Cr.No.109 of 2019 on the file of the respondent police

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Clause 6 (4) TNSC (RDCS) Order 1982, r/w 7 (1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.109 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, on 18.07.2017, when the police party was in surveillance, the petitioner (A3), A1 and A2 were illegally transported 1900 Kgs of PDS rice. He further submitted that A1 & A2 were already arrested and remanded to judicial custody and the property was recovered from A1 & A2. He further submitted that no previous case is pending against the petitioner, and therefore, he prayed for granting anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that totally 3 accused were involved in this case. The petitioner (A3), A1 and A2 were illegally transported 1900 Kgs of PDS rice. Hence, he opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner and A1 & A2 were already arrested and remanded to judicial custody and the property was recovered from A1 & A2.

5. Considering the aforesaid fact that the main allegation is only against A1 & A2 and they were already arrested and remanded to judicial custody and only based on the confession given by the co-accused, the petitioner has been implicated in this case and also the fact that the petitioner is not having any previous case and also the fact that the property was recovered from A1 & A2, 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.I, Virudhunagar, 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/-

29/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. I,
VIRUDHUNAGAR

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

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

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

+1. CC to Mr. T. LENIN KUMAR Advocate SR.No.12441

ORDER

IN

CRL OP (MD) No.10469 of 2019

Date : 29/07/2019

dss

TK/VR/SAR.4/05.08.2019/3P/6C