



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

Date : 26/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10562 of 2019

Nagajothi

... Petitioner/Accused No.2

Vs

State Represented by,
The Inspector of Police,
Civil Supply CID,
Tirunelveli
Crime No. 129 of 2019.

... Respondent/Complainant

For Petitioner : M/s.C.Mayilvahana Rajendran,
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. 129 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 Section 6(4) of T.N.S.C, R.D.C.S order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.129 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner along with A-1 was found in possession of 200 kgs of rice meant for Public Distribution System. He further submitted that A-1 was already arrested and released on bail and hence, he prayed for grant of anticipatory bail to the petitioner.

3.The Additional Public Prosecutor appearing for the respondent has submitted that the petitioner is A-2. He further submitted that the petitioner along with A-1 was found in possession of 200 kgs of rice meant for Public Distribution System. He further submitted



that A-1 was already arrested on 17.06.2019 and subsequently, released on bail by the learned Judicial Magistrate, No.II, Tirunelveli. Hence, he strongly opposed this petition. However, he fairly conceded that no previous case is pending against the petitioner and that the property was recovered from the accused persons.

4. Taking into consideration of the aforesaid facts and also the fact that no previous case is pending against the petitioner and that the property was recovered from the accused persons, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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) each 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 tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[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/-
26/07/2019

/ 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

3. THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID, TIRUNELVELI.

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

+1. CC to M/S.C.MAYILVAHANA RAJENDRAN Advocate SR.No.12386

ORDER

IN

CRL OP(MD) No.10562 of 2019

Date :26/07/2019

VS

PK/PN/SAR-1/07.08.2019 : 3P/6C