



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11078 of 2020

1. Ariraman
2. Aruldas

... Petitioners/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Civil Supplies C.I.D., Tirunelveli.
Crime No.161/2020.

... Respondent/Complainant

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

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For an Anticipatory Bail in Crime No.161 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under clause 6(4) of TNSC (RDSCS) order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.161 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is driver of the vehicle and the second petitioner is owner of the vehicle. The petitioners said to have illegally transported 219 bags of PDS rice (each contains 50 Kgs) using lorry bearing Reg. No.TN-75-0030. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.Side) appearing for the respondent.



4. The learned counsel appearing for the petitioners seek permission of this Court to withdraw the petition against the first petitioner and in view of the aforesaid submission, the Criminal Original Petition is dismissed as withdrawn as against the first petitioner. He has submitted that the second petitioner is owner of the vehicle and he has nothing to do the offence as alleged by the prosecution and he has no bad antecedents. Hence, he seeks anticipatory bail to the second petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police, on instructions, submitted that there is no previous case pending against the second petitioner.

6. Considering the facts and circumstances of the case and considering the fact that there is no bad antecedent against the second petitioner and gravity of offence, this Court is inclined to grant bail to the second petitioner herein with certain conditions.

7. Accordingly, the Criminal Original Petition is partly allowed and the petition is dismissed as withdrawn as against the first petitioner and the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tirunelveli, on condition that the second 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) the second petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the second petitioner is directed to contribute 50 bags of branded ponni rice (each 50 Kg) to the Rojavanam Old Age Home, Uthangudi, Madurai without prejudice to his defence before the trial Court and on such contribution being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner;

(c) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the second 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 were breached 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]; and;

(f)if the accused/second petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.
2. DO-THROUGH 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.

COPY TO:

THE OFFICER INCHARGE,
ROJAVANAM OLD AGE HOME,
UTHANGUDI, MADURAI.

ORDER
IN
CRL OP(MD) No.11078 of 2020
Date :12/10/2020

MS/PN/SAR-2/15.10.2020/3P.6C