



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2020

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PRESENT

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

CRL OP(MD). No.13259 of 2020

Vijayakumar

... Petitioner/2nd Accused

Vs

State Rep. by
The Inspector of Police,
CSCID Kuzhithurai,
Kanyakumari District.
Crime No. 154 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.C.Herold Singh,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.154 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

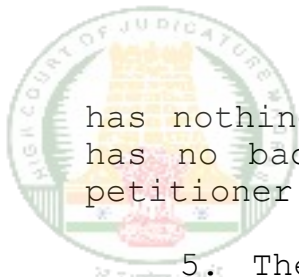
The petitioner/A-2 apprehending arrest at the hands of the respondent police for the offences punishable under clause 6(4) of TNSC (RDCS) order 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.154 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that totally there are two accused and the petitioner is arrayed A-2 and the petitioner said to have illegally transported 1500 Kgs of ration rice. Hence, the complaint.

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

4. The learned counsel appearing for the petitioner would submit that the petitioner is a driver of the offending vehicle who was engaged by the owner of the lorry. He would further submit that he

<https://www.cemil.org.in/hc/servlet/DownloadServlet?docId=13259>



has nothing to do the offence as alleged by the prosecution and he has no bad antecedents. Hence, he seeks anticipatory bail to the 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 petitioner.

6. Considering the facts and circumstances of the case and gravity of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the 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.III, Nagercoil, 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) the 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 petitioner is directed to contribute 10 bags of branded Ponni rice (each 50 Kg) to Annai Sathya Memorial Government Children Home, opposite to Corporation Swimming Pool, Dr.Thangaraja Salai, 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 petitioner shall appear before the respondent police as and when required for interrogation;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]; and;



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

sd/-
23/11/2020

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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.III,
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
CSCID KUZHITHURAI, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ANNAI SATHYA MEMORIAL GOVERNMENT CHILDREN HOME,
OPPOSITE TO CORPORATION SWIMMING POOL,
DR.THANGARAJA SALAI, MADURAI.

ORDER
IN
CRL OP(MD) No.13259 of 2020
Date :23/11/2020

KSA
JM/PN/SAR III/03.12.2020/3P/6C