



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1235 of 2019

1 DHATCHINAMOORTHY

2 SENTHILKUMAR

... PETITIONERS / ACCUSED NO.A3 & A4

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE
CSCID VIRUDHUNAGAR,
(CRIME NO.4/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.RAMASAMY Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

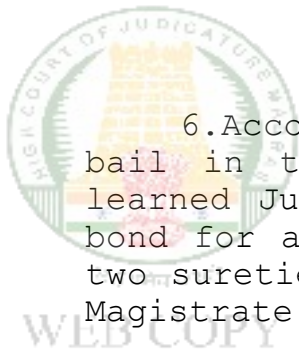
The petitioners, apprehending arrest at the hands of the respondent police for the offence punishable under Section 6(4) of TN Schedule Commodities (RDCS) order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.4 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the petitioners kept 40 kgs of PDS rice meant for Public Distribution System.

3.The learned counsel for the petitioners submits that the petitioners are innocent and they have nothing to do with the alleged crime. Hence, anticipatory bail may be granted to them.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is in progress.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-
<https://hcservices.ecourts.gov.in/hcservices/>



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, No.I, Virudhunagar and on executing 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 learned Magistrate concerned and on further conditions that

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Rojavanam, Home for Aged and Poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai.

[c] The petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks thereafter, as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO I
VIRUDHUNAGAR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

<https://hcservices.ecourts.gov.in/hcservices/>

3 THE INSPECTOR OF POLICE
CSCID VIRUDHUNAGAR,



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

COPY TO:- THE OFFICER IN-CHARGE,
ROJAVANAM, HOMELESS & AGED CARE CENTRE,
MELUR ROAD, UTHANGUDI, MADURAI

WEB COPY

+1. CC to MR.S.RAMASAMY Advocate SR.No.1583

ORDER
IN
CRL OP (MD) No.1235 of 2019
Date :28/01/2019

MSI/VR/SAR-I/01.02.2019-3P/7C