



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

WEB COPY

Date : 07/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5195 of 2020

Ilayaraja ... Petitioner/Sole Accused

Vs

The State rep.by
The CSCID - Madurai,
Madurai, Virudhunagar Police Station,
Virudhunagar District.
(Crime No.40 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Malaikani,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 6(2)
and 6(3) Tamil Nadu Scheduled Commodities(RDCS) Order 1982, Section
7(1)(a)(ii) of Essential Commodities Act, 1955 and Section
409,465,468,471,477(A) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The petitioner is working as a salesman in PDS shop. The
Services court Enquiry Report has been registered against him for



misappropriation of essential commodities entrusted to him for public distribution.

4. According to the learned counsel for the petitioner as a salesman while managing the fair price shop, inspection team found that there is shortage of 321kg of boiled rice, 32.500 kg of sugar, 1.500 kg of sugar meant for AAY, 338 kg of Dhal, 83 bag of Palmoline and 2 kg of dhal, totally worth about Rs.20,000/-. The petitioner has already paid Rs.45,000/- which is twice the value of the materials. So there is no necessity for prosecuting him.

5. The learned Additional Public Prosecutor would submit that if the shortage is more than Rs.5000/- it is mandatory to prosecute the person incharge of the shop and accordingly inspection team has preferred the complaint to the respondent for investigation.

6. In the above case, this Court finds that the value of the alleged shortage of essential commodities has now been recovered from the petitioner. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing a own bond for a sum of Rs.25,000/- and further the petitioner shall execute two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each before the learned Judicial Magistrate No.I, Virudhunagar on or before 05.06.2020 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 shall report before the respondent police as and when required for 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]***; and;



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

sd/-
07/05/2020

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1,
VIRUDHUNAGAR.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3 THE CSCID - MADURAI
MADURAI, VIRUDHUNAGAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5195 of 2020
Date :07/05/2020

SDS/JC/SAR-2/08.05.2020/2P/5C