



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/06/2020

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PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD).No.5853 of 2020

Vallarasu .. Petitioner/Accused NO.1

Vs

The State rep. by
The Inspector of Police,
Civil Supplies C.I.D.,
Madurai.
Cr.No.62 of 2020

.. Respondent/Complainant

For Petitioner : 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:

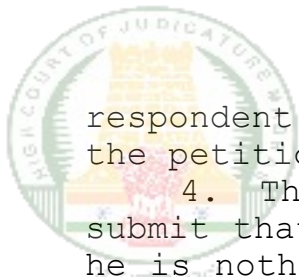
To enlarge the petitioner on Bail in the event of his arrest or surrender in Cr.No.62 of 2020 on the file of the respondent police.

ORDER: The Court made the following order:

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

2. The petitioner/A1 apprehending arrest at the hands of the respondent police for the offences punishable under clause 6(2)(3)(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.62 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 07.06.2020, when the respondent police was on surveillance to prevent smuggling of scheduled commodities, they intercepted a Minivan bearing registration No. TN 57 AJ 8833. During the course of interception, the respondent police seized 47 bags of rice (each containing 40 kgs). Thereafter, the respondent police recorded a confession statement from A2 and based on the alleged confession, the



respondent police implicated the petitioner as an accused. Hence, the petition.

4. The learned counsel appearing for the petitioner would submit that the petitioner herein is arrayed as A1 in this case and he is nothing to do with the alleged offence. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to his rights, the petitioner is ready to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Madurai Medical College Hospital, Madurai City', for the purpose of providing facilities to the Health workers.

5. The learned Government Advocate(Crl.side) appearing for the State would submit that the co-accused A2 connected in this case, has been enlarged on bail. He further submits that the petitioner herein/ A1 is also based on the same footing.

6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

[a] The petitioner is ordered to be released on bail in the event of arrest or on his appearance before the concerned Judicial Magistrate No.III, Madurai, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned;

[b] The petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only), by way of Demand Draft, in favour of 'The Dean, Madurai Medical College Hospital, Madurai City', on or before 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

[c] The petitioner shall appear before the respondent police as and when required for interrogation;

(d) 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]***;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC; and

[f] The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The petitioner shall appear before the concerned Magistrate



within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
16/06/2020

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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 utilised 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,
MADURAI.

2 -DO- THRO
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D.,
MADURAI.

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

Copy to:

THE DEAN,
MADURAI MEDICAL COLLEGE HOSPITAL,
MADURAI CITY.

ORDER
IN
CRL OP(MD) No.5853 of 2020
Date :16/06/2020

PD/VR/SAR 3/18.06.2020/3P/6C