



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

Date : 21/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7460 of 2020

Paneerselvam

... Petitioner/3rd Accused

Vs

The State rep.by
The Inspector of Police,
CSCID, Virudhunagar,
Virudhunagar District
Crime No.81 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Thirunavukkarasu,
Advocate.

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

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

PRAYER :-

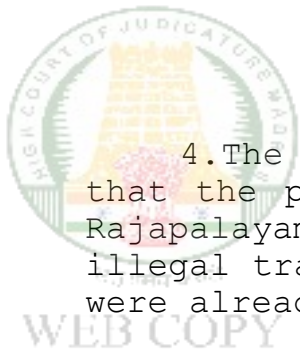
For Anticipatory Bail in Crime No. 81 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 6(2), 6(3) and 6(4) of TN Scheduled Commodities Act, [RDCS] Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein, who is arrayed as A3 and two others had illegally transported 1550 kgs of PDS rice in 10 gunny bags, each 75 Kgs and in 20 gunny bags each 40 Kgs in a vehicle, bearing Registration No.TN-76-M-6563. Hence, the crime has been registered.

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 submitted that the petitioner is a Sales Woman of Pachamadam Ration Shop of Rajapalayam Town and she never involved in any such kind of alleged illegal trafficking of PDS rice. He further submitted that A1 and A2 were already released on bail. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl.side) submitted that the petitioner is the staff of Fair Price Shop and she is the main accused in this case and she illegally transported 1550 Kgs of PDS rice. He would further submit that illegal trafficking of PDS rice would affect the PDS system and also would affect the people, who live under poverty line. Hence, objected to grant anticipatory bail.

6.Considering the facts and circumstances of the case and considering the fact that the other co-accused were already released on bail, I am 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 her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) 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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/07/2020

/ TRUE COPY /

WEB COPY

/ /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 I,
VIRUDHUNAGAR.
2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
CSCID, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7460 of 2020
Date : 21/07/2020

vsd
TK/PN/SAR.2/23.07.2020/3P/5C