



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28/07/2020

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PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD) . No.7714 of 2020

Babu @ Sadiq Basha

... Petitioner/Accused  
(Rank Not Know)

Vs

The State rep. by  
The Inspector of Police,  
C.S.C.I.D, Trichy,  
Crime No.118 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 :-**

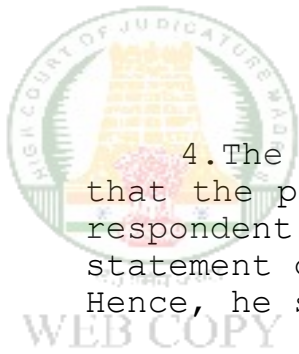
For Anticipatory Bail in Crime No.118 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as an accused (Rank Not Known), apprehending arrest at the hands of the respondent police for the offence punishable under section 6(4) of TNSC [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 has collected 1050 kgs of PDS rice in 21 bags each contains 50 Kgs from the ration shop. 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 has not committed any offence as alleged by the respondent. He further submitted that only based on the confession statement given by A2, this petitioner was implicated as an accused. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl.side) submitted that the petitioner herein is A1 and he has illegally transported 1050 Kgs of PDS rice smuggling and selling to black market. He would further submit that except this case, there were eleven previous cases as against the accused. Hence, he objected to grant anticipatory bail.

6.Considering the facts and circumstances of the case and considering the fact that the petitioner collected PDS rice from the ration shop and based on the confession given by A2, this petitioner was implicated in this case, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy, 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/-  
28/07/2020

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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.VI, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,  
C.S.C.I.D, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.7714 of 2020  
Date :28/07/2020

MS/PN/SAR-2/30.07.2020/3P.5C