



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

Date : 05/08/2020

PRESENT

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The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8158 of 2020

R.Sundaramoorthi

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Cscid Police Station,
Virudhunagar,
Virudhunagar District.
Cr.No. 76 of 2020.

... Respondent/Complainant

For Petitioner : M/s.J.Sankara Pandian,
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 Cr.No.76 of 2020 on the file of the respondent police.

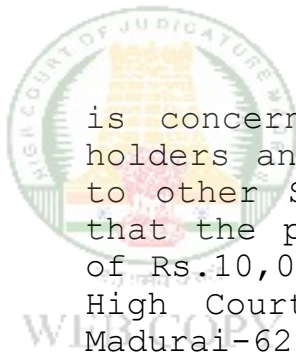
ORDER : The Court made the following order :-

The petitioner who arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 6(4) of TNSC (RDCS) Order 1982, r/w Section 7(1)(a)(ii) of Essential Commodities Act, in Crime No.76 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with A-2 said to have transported 3500Kgs of PDS Rice Flour and 630Kgs of PDS Rice for the value of Rs.20,000/- (Rupees Twenty Thousand Only). Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that this petitioner



is concerned said to have collected the PDS rice from the card holders and handed over to A-2 and inturn A-2 transferred the same to other State. However, on instructions, he would further submit that the petitioner will voluntarily make a non refundable payment of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of the Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040) without prejudice to his right in the criminal case.

5. The learned Government Advocate (criminal side), on instructions, submitted that apart from this case, there are three previous cases are pending against the petitioner in similar offence.

6. Considering the rival submissions, the petitioner only collected PDS rice from the card holders and handed over to A-2 and hence, this Court is 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 on his appearance before the learned Judicial Magistrate No.I, Virudhunagar, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of the Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040) without prejudice to his right in the criminal case;

(c) the petitioner shall report before the respondent police as on when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 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;

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

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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. DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8158 of 2020
Date :05/08/2020

KSA

<https://hcservices.ecourts.gov.in/hcservices/> 12.08.2020/ 3P/6C