



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9920 of 2020

N.Muniyappa

... Petitioner/Rank not known

Vs

The State Rep. by
The Inspector of Police,
CSCID Police Station,
Thanjavur.
(Crime No. Not Known/2020

... Respondent/Respondent

For Petitioner : M/s.A.Senthilkumar,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Cr.No. Not known of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-4 apprehending arrest at the hands of the respondent police for the offences punishable under section 7(2) of Essential Commodities Act, 1955, in Crime No.116 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is arrayed as A-4. The petitioner along with other accused were illegally transported PDS rice and A-2 has loaded 165 bags of broken rice and this petitioner said to have illegally transported 16 bags of broken rice in a lorry. At the time, the respondent police on information seized the lorry and PDS rice. Hence the complaint.

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



4. The learned counsel appearing for the petitioner would submit that only allegation against the petitioner is that he has sold 16 bags of broken rice and he has not illegally transported PDS rice. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that A-1 is owner of the lorry and the petitioner has sold 16 bags of broken rice.

6. Considering the facts and circumstances and it is seen from the records that A-2 said to have loaded 165 bags of broken rice and considering the fact that the petitioner has sold 16 bags of broken rice, 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. II, Thanjavur District, 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 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/-

17/09/2020

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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.II,
THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
THANJAVUR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9920 of 2020
Date :17/09/2020

KSA
TE/AKM/SAR-III : 24/09/2020 : 3P/5C