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

Date : 01/10/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10223 of 2020

1. M.R.MANIMARAN  
2. SAIT @ SAGULHAMEED ... PETITIONER/ACCUSED NO.3 & 5

VS

STATE REP.BY  
THE INSPECTOR OF POLICE,  
CIVIL SUPPLIES CID, THANJAVUR.  
CRIME NO. 116 OF 2020. ... RESPONDENT/COMPLAINANT

For Petitioner : M/s.R.Maheswaran,  
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.116 of 2020 on the file of  
the Respondent Police

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-3 & A-5 apprehending  
arrest at the hands of the respondent police for the offences  
punishable under section 6(4) TNSC (RDCS) Order 1982 r/w Section 7(1)  
(a)(ii) 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 petitioners are  
arrayed as A-3 & A-5. The petitioners along with other accused were  
illegally transported 189 bags of broken rice (each weighing about  
50Kg) and 21 bags of rice (each weighing about 50 Kg) 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 petitioners would submit that they are innocent persons. He would further submit that based on the confession given by the co-accused these petitioners have been falsely implicated in this case. 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.

6. Considering the facts and circumstances and it is seen from the records that only the petitioners have loaded broken rice, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thanjavur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
01/10/2020

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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 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,  
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE  
CIVIL SUPPLIES CID, THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.10223 of 2020  
Date :01/10/2020

KSA  
JM/PN/SAR IV/08.10.2020/3P/5C