



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/10/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11053 of 2020

1. Ramalingam
2. Paramasivam

... Petitioners/Accused
Rank No.1 and 3

Vs

State Represented by
The Inspector of Police,
CSCID Police Station,
Tiruchirappalli,
Cr No.171/2020.

... Respondent/Complainant

For Petitioners : M/s.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.R. Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For an Anticipatory Bail in Crime No.171 of 2020 on the file of the respondent police.

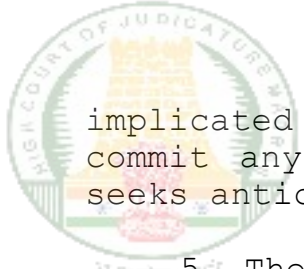
ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 & A-3 apprehending arrest at the hands of the respondent police for the offences punishable under section 6(4) TNSC (RDCS) Order 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.171 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-1 & A-3 and the A-1 is owner of the Jeyam rice Mill. On inspection, the respondent police has found that illegally there were bags containing ration rice, rice flour and broken 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 and they have been falsely



implicated in this case. He would further submit that they did not commit any offence as alleged by the prosecution 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 of the case and gravity of the offence, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. VI, Tiruchirappalli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 are directed to contribute 25 bags of branded ponni rice (each 50 Kg) to Anbagam, Manavalarchi Kundriyur Sirapupalli, Ramaond Reserve Line, Near Thamaraihotti, Race Course Colony, Madurai without prejudice to their defence before the trial Court and on such contribution being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., without fail for a period of Two weeks, thereafter, as and when required for interrogation.

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

(e) the petitioners 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 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;



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

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sd/-
08/10/2020

/ /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.VI, TIRUCHIRAPPALLI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
TIRUCHIRAPPALLI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
ANBAGAM,
MANAVALARCHI KUNDRIYOR SIRAPUPALLI,
RAMAOND RESERVE LINE, NEAR THAMARAITHOTTI,
RACE COURSE COLONY,
MADURAI.

ORDER
IN
CRL OP(MD) No.11053 of 2020
Date :08/10/2020

KSA

TE/AKM/SAR-III : 14/10/2020 : 3P/6C

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