



WEB COPY

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

Date : 03/11/2020

PRESENT

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

CRL OP(MD). No.12067 of 2020

Balamurugan

... Petitioner/
Accused Rank not known

Vs

The State rep. by
The Inspector of Police,
CSCID, Kulithurai,
Kanyakumari District.
(In Crime No.150 of 2020)

... Respondent/Complainant

For Petitioner : M/s.D.Senthil,
Advocate.

For Respondent : K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.150 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 6(4) of the Tamil Nadu Scheduled Commodities RDCS Order 1982 r/w Section 7 (i)(a)(ii) of the Essential Commodities Act, 1955, in Crime No. 150 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession 18,750 kgs of PDS rice. Hence, the present 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 not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that the petitioner was found in illegal possession 18,750 kgs of PDS rice. He further submitted that the entire quantity of rice has been seized by the respondent police and no previous case is pending against the petitioner.

6.Considering the facts and circumstances of the case and considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed to contribute 50 bags of branded ponni rice(each 50 Kg) to Anbagam, Manavarlarchi Kundriyor Sirapupalli, Ramaond Reserve Line, Near Thamaraiythotti, Race Course Colony, Madurai and 50 bags of branded ponni rice(each 50 Kg) to Rojavanam Senior Citizens Care Centre, Melur Road, Uthangudi, Madurai without prejudice to his defence before the trial Court. On such contribution being made, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two blood 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 daily at 10.30 a.m for a period of four weeks and thereafter, 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/11/2020

/ TRUE COPY /

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

COPY TO:

- (i) THE OFFICER INCHARGE,
ANBAGAM, MANAVARLARCHI KUNDRIYOR SIRAPUPALLI,
RAMAOND RESERVE LINE, NEAR THAMARAIBTHOTTI,
RACE COURSE COLONY, MADURAI.
- (ii) THE OFFICER INCHARGE
ROJAVANAM SENIOR CITIZENS CARE CENTRE,
MELUR ROAD, UTHANGUDI, MADURAI.

ORDER IN
CRL OP(MD) No.12067 of 2020
Date : 03/11/2020

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<https://hcservices.mca.gov.in/hcservices/>
CRL/MD/OP/11/05.11.2020/ 3P/7C