



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/11/2020

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PRESENT

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

CRL OP(MD). No.12489 of 2020

Muthamil Selvan

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
CSCID Karur Unit, Karur.
Crime No.82/2020.

... Respondent/Complainant

For Petitioner : Mr.P.Subbiah,
Advocate.

For Respondent : Mr.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.82 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, 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.82 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession 750 kgs of PDS rice.

3.Heard the learned counsel appearing for the petitioners 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 and other accused were found in illegal possession 750 kgs of PDS rice. He further submitted that the entire quantity of rice has been seized by the respondent police and the petitioner herein is the owner of the vehicle.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is directed to contribute 5 bags of branded ponni rice(each 50 Kg) to the credit of **Rojavanam, Home for Aged and Poor, 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 the Judicial Magistrate No.I, Karur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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 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 two 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/-
05/11/2020

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

COPY TO:

THE OFFICER IN CHARGE,
ROJAVANAM,
HOME FOR AGED AND POOR, MELUR ROAD,
UTHANGUDI, MADURAI.

+1 CC to M/s.P.SUBBIAH, Advocate (SR-7349[I] dated 06/11/2020)

ORDER
IN
CRL OP(MD) No.12489 of 2020
Date :05/11/2020

LS

SRS/AKM/SAR-II/11.11.2020/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>