



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

Date : 05/11/2020

PRESENT

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

CRL OP(MD) . No.12469 of 2020

1. Saivadurai
2. Ochathevar

... Petitioners/Accused 2 & 5

Vs

The State rep.by,
The Inspector of Police,
Civil Supplies C.I.D, Madurai,
Crime No.139 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.D.Manikandan,
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. 139 of 2020 on the file of
the respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 6(2) (3)(4) of TNSC(RDCS) order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.139 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession 3850 kgs of PDS rice.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he seek anticipatory bail.



5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioners were found in illegal possession of 3850 kgs of PDS rice. He further submitted that the entire quantity of rice has been seized by the respondent police and A1, A3 and A5 were arrested by the respondent police. In so far as the petitioners are concerned the second petitioner / A5 purchased PDS rice from various persons and handed over to the first petitioner/ A2.

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

7.Accordingly, the petitioners are directed to jointly contribute 50 bags of branded ponni rice(each 50 Kg) [Totally 2500 Kg of ponni rice] to Akash Age Care Home, Shastri Nagar, Kadachanenthall, Madurai, without prejudice to his defence before the trial Court. On such contribution being made, 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.III, Madurai District, 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 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 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/-
05/11/2020

WEB COPY

/ 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.III,
MADURAI
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE OFFICER IN-CHARGE,
AKASH AGE CARE HOME,
2/428, SHASTRI NAGAR,
KADACHANENTHAL,
MADURAI - 625 007.

ORDER
IN
CRL OP(MD) No.12469 of 2020
Date : 05/11/2020

LS
PK/JC/SAR-II/24.11.2020 : 3P/6C