



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/11/2020

PRESENT

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

CRL OP(MD). No.13550 of 2020

Muthukumar

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Dindigul Police Station,
CS CID-Madurai District.
Crime No.132 of 2020.

... Respondent/Complainant

For Petitioner : M/s.G.Velumani,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.132 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) Order, 1982 and 7(1)(a)(ii) Essential Commodities Act, 1955, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that on inspection, the respondent police has found that the petitioner was said to have illegal possession of 1150 Kgs of ration raw rice. Hence the complaint.

4.The learned counsel for the petitioner would submit that he is an innocent person and he has been falsely implicated in this case. He would further submit that he did not commit any offence as alleged by the prosecution case. Hence, he seeks bail.



5. The learned Government Advocate(criminal side) appearing for the respondent police would submit that on inspection, the respondent police has found that the petitioner was said to have illegal possession of 1150 Kgs of ration raw rice.

6. Taking note of the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is directed to contribute 10 bags of branded ponni rice(each 50 Kg) to Lucia Blind School, Meelavittan Road, Jothi Nagar, Thoothukudi, 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 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, Dindigul, 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:

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) 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;

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

27/11/2020

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

COPY TO:-

THE OFFICER IN-CHARGE,
LUCIA BLIND SCHOOL,
MEELAVITTAN ROAD,
JOTHI NAGAR,
THOOTHUKUDI,

ORDER
IN
CRL OP(MD) No.13550 of 2020
Date :27/11/2020

DSS
TE/AKM/SAR-IV : 03/12/2020 : 3P/6C