



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

Date : 16/12/2020

PRESENT

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

CRL OP(MD) . No.14818 of 2020

Muthupandian

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
C.S.C.I.D., Madurai.
Crime No. 151 of 2020.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.151 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Clause 6(2)(3) of TNSC (RDCS) Order, 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 05.12.2020, the Joint Registrar of Co-operatives, Madurai Region, lodged a complaint before the respondent police stating that on 16.06.2020, he conducted inspection in fair price shop, viz., Madurai District Pandian Consumer Co-operative Wholesale store Fair Price Shop No.1, where the petitioner is employing. The inspection revealed that there was a shortage of rice weighing about 1183 Kgs, sugar weighing about 10 Kgs, wheat weighing about 25 Kgs, Cooking oil measuring about 85 Kgs, worth about Rs.37,075/-. It is further alleged that the petitioner by doing caused loss to the complainant's Department.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. 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. He further submitted that the complaint did not have any material much less cogent material to say that commodities were sold out to non-card holders. As per FIR, the occurrence took place on 16.06.2020 and the inspection was made on 05.12.2020. But, the complaint was lodged after a lapse of six months I.e., on 05.12.2020. From the above delay, it is clearly evident that the case registered against the petitioner is a foisted one and the petitioner already deposited the loss amount of Rs.37,075/- before the Complainant on 23.06.2020, to show his bonafide and hence, he seeks for grant of anticipatory bail.

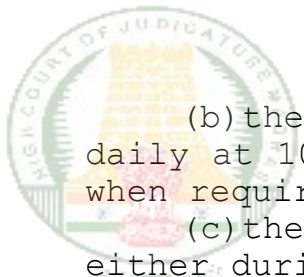
5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner is arrayed as sole accused and the petitioner deposited the loss amount of Rs.37,075/- before the Complainant on 23.06.2020 and no previous case is pending against the petitioner.

6. It is seen that the occurrence took place on 16.06.2020, thereafter, the petitioner was directed to pay the amount for the shortage of materials worth about Rs.37,075/- before the Complainant accordingly, he also deposited the said amount on 23.06.2020. Thereafter, the period of five months, the present complaint has been lodged. Therefore, custodial interrogation of the petitioner does not require, in this case.

7. 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.

8. Accordingly, 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,III, Madurai, 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



(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/12/2020

/ 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, MADURAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
C.S.CI.D., MADURAI.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14818 of 2020

Date :16/12/2020

LS

PK/JC/SAR-III/22.12.2020 : 3P/5C

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