



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

Date : 29/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.351 of 2021

Marisamy

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Civil Supplies C.I.D.,
Virudhunagar District.
Crime No.02 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Jothi Basu,
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.02 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends 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(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.02 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 41 bags of rice (each contains 50 kgs). Hence, the present complaint.

3.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 seek anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner and other accused were found in illegal possession of 41 bags of PDS rice. He further submitted that the entire quantity of rice has been seized by the



respondent police and there is no previous case as against the petitioner.

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

6.Accordingly, the petitioner is directed to contribute 5 bags (each 50 kg) of branded ponni rice to Annai Sathiya Government Children Home, Thathampatti Salai, Soolakarai, Viruthunagar-626003 and 5 bags (each 50kg) of branded ponni rice to M.M.S.S.-Reception Unit (Government Grant-in-Aid) under Madurai Multipurpose Social Service Society, 1/648, Lakshmi Sundaram Theatre Road, Gandhi Nagar Street, Pandian Nagar(via), Viruthunagar-626001 and 5 bags (each 50kg) branded ponni rice to Virutcham Mahalir Munnetra Kalangiyam (Integrated Children Home), 6/1041-1, Karuppasamy Nagar, Perali Road, Viruthunagar-626001 and 5 bags (each 50kg) of branded ponni rice to Humanist Island of Hope, 3/1245-2, Ave Maria Street, Sattur Road, Near New Bus Stand, Viruthunagar-626 001, (totally 20 bags each contain 50 kg) without prejudice to his defence before the trial Court.

7.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 Judicial Magistrate Court No.I, Virudhunagar, on condition that the petitioner 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 petitioner shall appear 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/-
29/01/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

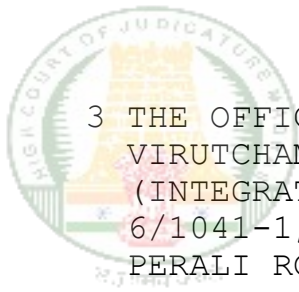
Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D., VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE OFFICER INCHARGE,
ANNAI SATHIYA GOVERNMENT CHILDREN HOME,
THATHAMPATTI SALAI, SOOLAKARAI,
VIRUTHUNAGAR-626003
- 2 THE OFFICER INCHARGE,
M.M.S.S.-RECEPTION UNIT (GOVERNMENT GRANT-IN-AID)
UNDER MADURAI MULTIPURPOSE SOCIAL SERVICE SOCIETY,
1/648, LAKSHMI SUNDARAM THEATRE ROAD,
GANDHI NAGAR STREET, PANDIAN NAGAR (VIA),
VIRUTHUNAGAR-626001.



3 THE OFFICER INCHARGE,
VIRUTCHAM MAHALIR MUNNETRA KALANGIYAM
(INTEGRATED CHILDREN HOME),
6/1041-1, KARUPPASAMY NAGAR,
PERALI ROAD, VIRUTHUNAGAR-626001

4 THE OFFICER INCHARGE,
HUMANIST ISLAND OF HOPE,
3/1245-2, AVE MARIA STREET,
SATTUR ROAD, NEAR NEW BUS STAND,
VIRUTHUNAGAR-626 001.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-584[I] dated 01/02/2021)

ORDER
IN
CRL OP(MD) No.351 of 2021
Date :29/01/2021

GNS
MS/VR/SAR-4/10.02.2021/4P.10C