



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

Date : 01/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.912 of 2021

B.Venkadapandiyan

... Petitioner/3rd Accused

Vs

The State rep.by,
The Inspector of Police,
C.S.C.I.D, Madurai.
Cr No. 133/2020.

... Respondent/Complainant

For Petitioner : Mr.T.Dhandapani,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.133/2020 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(2)(3)(4) TNSC (RCDS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 3000 kgs of PDS rice.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the entire contraband was seized by the police. He further submitted that A1 and A2 have already been arrested and released on bail by this Court in CrI.O.P.(MD).No.13341 of 2020. Hence, he prayed for grant of anticipatory bail before this Court.



5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that petitioner was found in illegal possession of 3000 kgs of PDS rice. He would also submit that the entire contraband was seized by the respondent police and no previous case is pending against the petitioner.

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6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the entire contraband was seized by the respondent police and no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen 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 identity;

(b) the petitioner shall contribute 15 bags of branded ponni rice (Each containing 50kgs) to the Anbagam, Manavarlarchi Kundriyor Sirapupalli, Ramaond Reserve Line, Near Thamaraibthotti, Race Course Colony, Madurai, without prejudice to his defence before the trial Court and on such deposit being made, the learned Magistrate shall accept the sureties furnished by the petitioner.

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

sd/-
01/02/2021

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/ /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.III
MADURAI

2.DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

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

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

COPY TO : THE OFFICER IN-CHARGE,
ANBAGAM, MANAVARLARCHI KUNDRIYOR SIRAPUPALLI,
RAMAOND RESERVE LINE, NEAR THAMARAIBTHOTTI,
RACE COURSE COLONY, MADURAI

ORDER
IN
CRL OP(MD) No.912 of 2021
Date :01/02/2021

VSG
PK/JC/SAR-II/08.02.2021 : 3P/6C