



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

Date : 08/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.918 of 2021

A.Vadivel

... Petitioner

-Vs-

State Rep.by
The Inspector of Police,
CSCID, Trichy Unit.
Crime No.107 of 2020.

... Respondent

For Petitioner : Mr.A.R.L.Sundaresan, Senior Counsel
for M/s.AL.Ganthimathi, 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.107 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 7(1)(a) (ii) of the Essential Commodities Act, 1955 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.11.2020 when an inspection was conducted in S.No.30/1, Chathiramanai Village, 2380 bags of 50 Kg each of big onion was stocked in excess of normal requirement. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the proprietor of M/s.Arumugakonar & Co a trader in onion for more than 30 years and the stock of the onion was purchased from Nasik District in the State of Maharashtra from registered dealers. The quantity which was purchased by the petitioner was purchased under various invoices starting from 10.10.2020. After purchase of the said onion the petitioner has to grade the same into different varieties , remove damaged onions and thereafter sell it to retailers. Onions are purchased by the petitioner at the prevailing market rate at Nasik and sold to the respondents at the prevailing wholesale market rate and there is no



price control fixed under the Essential Commodities Act for onions. He would also submit that after all expenses will get only a sum of Rs.2 Per kg as margin and at times he may incur loss, hence he ought for anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that petitioner without valid permission had illegally stocked 2380 bags of 50 Kg each of big onion. He would further submit that the petitioner has not disclosed the actual quantity of the onion purchased from the State of Maharashtra. He would also submit that the *modus operandi* behind stocking onion is to create inflation of onion price in the onion market and after demand to sell the same in higher price.

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

6.Accordingly, the petitioner shall pay a sum of Rs.75,000/- (Rupees Seventy Five thousand only) to **The Santhi Bhavan, Missionaries of Charity, Home for Intellectually Disabled Aged and Destitute, D.No.17/625- 4 C, Madavapuram, Agasteeswaram Taluk, Kanyakumari** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the payment receipt while executing sureties. On acknowledgment of the same 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 Special Court for CSCID, Madurai- Perambalur, 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 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/-
08/03/2021

/ 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 SPECIAL JUDGE FOR CSCID,
MADURAI- PERAMBALUR.
- 2 THE INSPECTOR OF POLICE,
CSCID, TRICHY UNIT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE SANTHI BHAVAN, MISSIONARIES OF CHARITY,
HOME FOR INTELLECTUALLY DISABLED AGED AND DESTITUTE,
D.NO.17/625- 4 C, MADAVAPURAM,
AGASTEESWARAM TALUK, KANYAKUMARI.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-9529[F] dated 09/03/2021)

ORDER IN
CRL OP(MD) No.918 of 2021
Date :08/03/2021
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AAV

<https://hmcjv.csls.gov.in/hcscs/19/03/2021/3P.6C>