



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

Date : 08/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1230 of 2021

Vijaya Prasad

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
CSCID, Virudhunagar.
Crime No.148 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Thirunavukarasu,
Advocate.
For Respondent : Mr.S.Chandrasekaran
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.148 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC(RDCS) r/w 7(1)a(ii) of E.C Act, in Crime No.148 of 2020, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner was found transporting 2000 Kgs of PDS rice illegally.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor appearing on behalf of the State would submit that the petitioner was found in illegal possession of 2000 kgs of PDS rice. He would also submit that the



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, 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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, at Virudhunagar 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 petitioners shall donate each 35 bags of branded ponni rice to the Annai Sathya Government Children Home, Thathampatti Road, Soolakarai, Virudhunagar, without prejudice to his defence before the trial Court and on such contribution being made, the learned Magistrate shall accept the sureties furnished by the petitioners.

(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.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/02/2021

/ 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.

WEB COPY

TO

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

COPY TO:

THE OFFICER INCHARGE,
ANNAI SATHYA GOVERNMENT CHILDREN HOME,
THATHAMPATTI ROAD, SOOLAKARAI,
VIRUDHUNAGAR.

+2 CC to M/s.S.THIRUNAVUKARASU, Advocate (SR-821[I] dated
09/02/2021)

ORDER

IN

CRL OP(MD) No.1230 of 2021

Date :08/02/2021

MPK

MS/PN/SAR-3/17.02.2021/3P.8C