



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

Date : 03/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1371 of 2021

1.C.Esakki
2.Ramesh

... Petitioners/Accused No.1 & 2

Vs

State rep.by,
The Inspector of Police,
Civil Supply C.I.D.,
Tirunelveli.
Crime No.222/2020.

... Respondent/Complainant

For Petitioners : Mr.M.Jerin Mathew,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.222 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
6(4) TNSC (RCDS) Order 1982 r/w Section 7(1)(a)(ii) of Essential
Commodities Act, 1955 seek anticipatory bail.

2.The case of the prosecution is that the petitioners were
found in illegal possession of 4000 kgs of PDS rice.

3. The learned counsel for the petitioners would submit that
the petitioners are innocent and they have been falsely implicated
in this case. He would also submit that the entire contraband was
seized by the police.

4.The learned Government Advocate (Crl. Side) appearing for the
respondent police would submit that petitioners were found in
illegal possession of 4000 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.

5. 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 petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tirunelveli 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 petitioners shall contribute 25 bags of branded ponni rice (Each containing 50kgs) to the Community Care Centre of Hope foundation, No.160,"C" Colony, 9th Cross Street, Perumalpuaram, Palayamkottai, Tirunelveli - 627007 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 petitioner.

(c) the petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
03/02/2021

WEB COPY

/ 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.II,
TIRUNELVELI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLY C.I.D., TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO : THE OFFICER IN-CHARGE,
THE COMMUNITY CARE CENTRE OF HOPE FOUNDATION,
NO.160, "C" COLONY, 9TH CROSS STREET,
PERUMALPUARAM, PALAYAMKOTTAI,
TIRUNELVELI - 627007

ORDER
IN
CRL OP(MD) No.1371 of 2021
Date : 03/02/2021

AAV
PK/SMA/SAR-I/05.02.2021 : 3P/6C