



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

Date : 08/02/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1638 of 2021

1. Panchavarnam
2. Rajini

... Petitioners/Accused No.3to4

Vs

The State rep. by
The Inspector of Police,
C.S.C.I.D Police Station,
Karur District.
Crime No. 109/2020.

... Respondent/Complainant

For Petitioner : M/s.Bharathi.C,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.,

PRAYER :-

For Anticipatory Bail in Crime No.109 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982, r/w 7(1)(a)(11) Essential Commodities Act, 1985., in Crime No.109 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that on 19.12.2020 at about 11.00 a.m., the respondent Police conducted secret ride at Nachallur near Angalaparameshwari Rice Mill and found 99 bags of rice, weighing 5,050 Kgs., and after enquiry it reveal that the



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

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5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that on 19.12.2020 at about 11.00 a.m., the respondent Police conducted secret ride at Nachallur near Angalaparameshwari Rice Mill and found 99 bags of rice, weighing 5,050 Kgs., and after enquiry it reveal that the petitioners and another accused were purchased the PDS rice. He would further submit that both the petitioners are having previous cases of similar nature. Hence, the complaint.

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 petitioners with certain conditions.

7. 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.I, Karur, on condition that the petitioners 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 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;

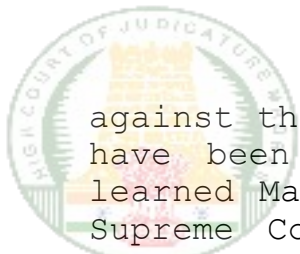
(b) the 1st petitioner shall donate 32 bags of branded ponni rice (Each containing 50kgs) to 'Anbu Karangal (Vennamalai, Karur Town, Mobile No. 9443303653) and the 2nd petitioner shall donate 32 bags of branded ponni rice (Each containing 50kgs) to Heads of Home, Kulithalai (Mobile No.76398056360), without prejudice to their defence before the trial Court and on such contribution being made, the learned Magistrate shall accept the sureties furnished by the petitioners.

(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 petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate 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/-

08/02/2021

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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, KARUR.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
C.S.C.I.D POLICE STATION, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

1. THE OFFICER INCHARGE,
ANBU KARANGAL, VENNAMALAI, KARUR TOWN,
MOBILE NO. 9443303653.
2. THE OFFICER INCHARGE,
HEADS OF HOME,
CAUVERY NAGAR, KULITHALAI-639 104.
Mobile No:7639805636

ORDER IN

CRL OP(MD) No.1638 of 2021

Date :08/02/2021

MPK

SRS/SMA/SAR-I/11.02.2021/3P/7C

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