



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3033 of 2021

Subbu

... Petitioner/Accused No.1

Vs

State rep.by,
The Inspector of Police,
C.S.C.I.D Police Station,
Pudukottai, Pudukottai District
Crime No. 17/2021..

... Respondent/Complainant

For Petitioner : Mr.Kannan.V.,
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.17 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) TNSC (RDCS) 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 2,600 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. 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 2,600 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.

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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Pudukottai, 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:

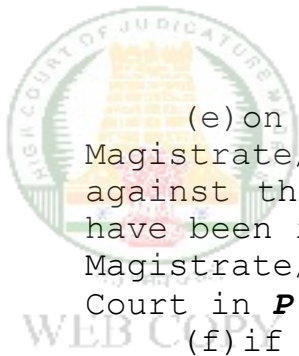
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall contribute 10 bags of branded ponni rice (Each containing 50kgs) to the Renaissance Malarchi Special School, Kalamavoor Village and Post, Keeranur Via, Trichy-Pudukottai Road, NH210, Pudukottai District, Tamil Nadu, Pin No.622 502, and 7 bags of branded ponni rice (each containing 50 kgs) to Home for persons with mental retardation, East Panchayat Kalpana Mahal, T.Perungudi, Thirumohur(via), Y.Othakadai, Madurai-625107, within a period of two weeks from the date of receipt of a copy of this order, 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/-

08/03/2021

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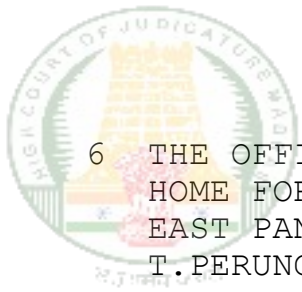
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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,
PUDUKOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT
- 3 THE INSPECTOR OF POLICE
C.S.C.I.D POLICE STATION,
PUDUKOTTAI,
PUDUKOTTAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER INCHARGE,
THE RENAISSANCE MALARCHI SPECIAL SCHOOL,
KALAMAVOOR VILLAGE AND POST,
KEERANUR VIA,
TRICHY-PUDUKOTTAI ROAD,
NH210, PUDUKOTTAI DISTRICT, TAMIL NADU.
PIN NO.622 502



6 THE OFFICER INCHARGE,
HOME FOR PERSONS WITH MENTAL RETARDATION,
EAST PANCHAYAT KALPANA MAHAL,
T.PERUNGUDI, THIRUMOHUR(VIA), Y.OTHAKADAI, MADURAI-625107,

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+1. CC to M/S.V.KANNAN, Advocate SR.No.1937

ORDER

IN

CRL OP(MD) No.3033 of 2021

Date :08/03/2021

NR/VR/SAR-IV(15.03.2021) 4P:8C