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

Date : 09/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.3693 of 2021

K.Kannan

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Civil Supply CID,
Virudhunagar,
Virudhunagar District.
(Crime No.32 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Mohideen Basha.N.,
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.32 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under section 6(4) of TNS(RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, in Crime No.32 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused were found in illegal possession of 50 bags of rice (each contains 40 kgs). Hence, the present complaint.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seek anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner was found in illegal possession PDS rice. He further submitted that the entire quantity of rice has been seized by the respondent police.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is directed to contribute 10 bags of branded ponni rice(each 50 Kg) to Al-Ameen Etheem Khana (Orphanage), Al-Ameen Nagar, K.Pudur, Madurai-626007 and 10 bags of branded ponni rice (each 50 kg) to Home for persons with mental retardation, East Panchayat Kalpana Mahal, T.Perungudi, Thirumohur (via), Y.Othakadai, Madurai-625107, without prejudice to his defence before the trial Court.

7.On such contribution being made, 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 learned Judicial Magistrate No.I, 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/03/2021

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/ /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.I, VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

1. THE OFFICER IN-CHARGE,
A1-AMEEN ETHEEM KHANA (ORPHANAGE),
A1-AMEEN NAGAR, K.PUDUR, MADURAI 626 007
2. THE OFFICER IN-CHARGE,
HOME FOR PERSONS WITH MENTAL RETARDATION,
EAST PANCHAYAT, KALPANA MAHAL,
T.PERUNGUDI, THIRUMOHUR(VIA),
Y.OTHAKADAI, MADURAI 625 107

+1 CC to Mr.N.MOHIDEEN BASHA, Advocate (SR-1967[I] dated 10/03/2021)

ORDER IN
CRL OP(MD) No.3693 of 2021
Date :09/03/2021