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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4020 of 2021

Pandi

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Civil Supplies C.I.D.
Ramanathapuram,
Crime No. 34/2021.

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
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.34 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2 apprehending arrest at the hands of the respondent police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was said to have illegally transported 60 bags of rice (each contains 40kgs) by using TATA 407 Van bearing Registration No.TN-67-T-3724. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the vehicle, based on the confession statement given by A-1, the petitioner has been implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the State submitted that the said contraband was recovered by the respondent police. He further submitted that the petitioner is having four previous cases.

5.Taking note of the above facts, 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 Kgs) to the credit of **Vallalar Universal Mission Trust, 12, Mugavai Oorani West, Ramanathapuram,** and another 10 bags of branded ponni rice(each 50 Kgs) to the credit of **Sri Ramalinga Anbu Illam, 123, Vanasankari Amman Kovil Street, Ramanathapuram,** without prejudice to his defence before the trial Court. 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 the Judicial Magistrate No.II, Ramanathapuram, 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 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/-
16/03/2021

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/ /2021

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

SJI

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,
RAMANATHAPURAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I. D.
RAMANATHAPURAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE OFFICER INCHARGE,
VALLALAR UNIVERSAL MISSION TRUST,
12, MUGAVAI OORANI WEST, RAMANATHAPURAM.
- 2 THE OFFICER INCHARGE,
SRI RAMALINGA ANBU ILLAM,
123, VANASANKARI
AMMAN KOVIL STREET,
RAMANATHAPURAM.

+1. CC to Mr.T.LENIN KUMAR Advocate SR.No.2202

ORDER
IN
CRL OP(MD) No.4020 of 2021
Date :16/03/2021

NR/VR/SAR-IV(23.03.2021) 3P:8C