



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

Date : 19/04/2021

PRESENT

The Hon'ble Mr. Justice G. CHANDRASEKHARAN

CRL OP(MD).No.4877 of 2021

WEB COPY

Thamarai Kannan @ Alex

... Petitioner/Accused Rank A3

Vs

The State rep by
The Inspector of Police,
C.S.C.I.D. Police,
Tirunelveli,
(Cr.No.199 of 2020)

... Respondent/Complainant

For Petitioner : Mr. Shema Daniel.M.,
Advocate.

For Respondent : Mr. R. Eroottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.199 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) TNSC (RDSC) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act 1955, in Cr.No.199 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 600 kgs of PDS rice.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has 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 petitioner was found in illegal possession of 1600 kgs of PDS rice. He would also submit that the entire contraband was seized by the respondent police.

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



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his 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) 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 4 bags of branded ponni rice (Each containing 50kgs) to சிட்டுடன் காது கேளாதோர் மையம், நம்பர் 1, அம்பை ரோடு, குலவணிகாரம், திருநெல்வேலி-627002. without prejudice to his defence before the trial Court and on production of proof for such contribution being made, the learned Magistrate shall accept the sureties furnished by the petitioner.

(c) the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

(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/-

19.04.2021

/ 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 DISTRICT.
3. THE INSPECTOR OF POLICE,
C.S.C.I.D.POLICE,
TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

சிட்டுன்டன் காது கேளாதோர் மையம்,
நம்பர் 1, அம்பை ரோடு,
குலவணிகர்புரம், திருநெல்வேலி-627002

ORDER
IN
CRL OP(MD) No.4877 of 2021
Date : 19/04/2021

VB/PN/SAR-IV (23/04/2021) 3P / 6c