



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.5525 of 2021

1.R.P.Pitchai

[Mentioned in FIR Annachi (Pitchai)]

2.Krishnamoorthy,

[Mentioned in FIR Thirumalai Traders]

...Petitioners/
Accused Rank A2 & A11

Vs.

The State Rep. by,
The Inspector of Police,
C.S.C.I.D. Police,
Thiruvarur,
Crime No.22 of 2021.

...Respondent/Complainant

For Petitioners: Mr.Sundar.R,
Advocate.

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

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

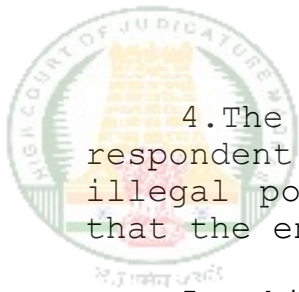
PRAYER :- To enlarge the Petitioners on bail in the event of their arrest in Crime No.22 of 2021 on the file of respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 & 11, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 6(2), 6(3), 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Cr.No.22 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 1300 kgs of PDS rice.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have 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 petitioners were found in illegal possession of 1300 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 petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Thiruvarur, within a period of fifteen days from the date of receipt of a copy of this order, on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the said Magistrate and on further condition that:

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

(b) the petitioners shall contribute 9 bags of branded ponni rice (Each containing 50kgs) to **"Arulananda Home for Children, Pallivasal Street, Pallankovil, Kadiyachery (post), Thiruthurai PoondiTaluk, Thiruvarur District"** without prejudice to their 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 petitioners;

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

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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/-

27/04/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE COURT, THIRUVARUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,,
THIRUVARUR.
 - 3 THE INSPECTOR OF POLICE
C.S.C.I.D. POLICE,
THIRUVARUR.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ARULANANDA HOME FOR CHILDREN,
PALLIVASAL STREET, PALLANKOVIL,
KADIYACHERY (POST), THIRUTHURAI POONDITALUK,
THIRUVARUR DISTRICT.

+1 CC to M/s.R.SUNDAR, Advocate (SR-3487[I] dated 28/04/2021)

ORDER
IN
CRL OP(MD) No.5525 of 2021
Date :27/04/2021

VSD
JM/SKN/SAR IV/05.05.2021/3P/7C