



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/05/2021

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6442 of 2021

1. S.Sankarapandi
2. Manimaran

... Petitioners/Accused NoS.1&2

Vs

The Sub-Inspector of Police,
CSCID-Sivagangai Unit,
Sivagangai.
(Crime No.35/2021)

... Respondent/Complainant

For Petitioners : Mr.Balaji.A,
Advocate.

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

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

PRAYER :-

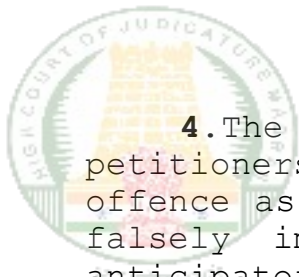
For Anticipatory Bail in Crime No.35/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) of the TNSC (RDCS) Order, 1982 and 7(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.35 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3. The case of the prosecution is that on 26.04.2021, at about 05.30 p.m., the respondent police went to the place of occurrence upon the secret information received and found the vehicle carried 29 bags of PDS rice, totally weighing 1,420 kgs. Hence, this case came to be registered.



4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the petitioners along with other accused transported 29 bags of PDS rice, totally weighing 1,420 kgs, worth of Rs.39,760/- and the petitioners have no previous case pending against them.

6.Considering the facts and circumstances of the case and the fact that the petitioners have no previous case pending against them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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, Sivagangai, and on their executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 cards or Bank pass Books to ensure their identity;

(b)each of the petitioners is directed to deposit a sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to their rights and contentions before the trial Court;

(c)the petitioners shall report before the respondent police, as and when required;

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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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



(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
13/05/2021

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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, SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUB-INSPECTOR OF POLICE,
CSCID-SIVAGANGAI UNIT,
SIVAGANGAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9

ORDER
IN
CRL OP(MD) No.6442 of 2021
Date :13/05/2021

SM/TM
TE/VR/SAR-IV : 20/05/2021 : 3P/6C