



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.7847 of 2021

Alagumalaikannan

... Petitioner/Accused No.3

Vs

The State rep by
The Inspector of Police,
Civil Supplies C.I.D.,
Madurai.
(Crime No.73/2021).

... Respondent/Complainant

For Petitioner : Mr.Lenin Kumar.T.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.73/2021 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 alleged offences punishable under Section 6(4)TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.73 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 25.02.2021, when the respondent police was on surveillance duty, they found Ashok leyland Dost vehicle bearing registration No.TN 95 D 0657 in illegal possession of 60 bags of rice(each contained 35 kgs of rice). Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed.



5. Taking note of the fact that material witnesses are official witnesses and also the fact that co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to contribute 20 bags of branded ponni rice (each 35 Kg) to "Sathi Vidiyal", Muthupatti, near Palanganatham Junction Opposite, Madurai 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. III, Madurai, 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 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 respondent police daily at 10.30 am., 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
21/06/2021

/ TRUE COPY /

/ /2021



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

copy to

THE OFFICER INCHARGE
"SATHI VIDIYAL", MUTHUPATTI,
NEAR PALANGANATHAM JUNCTION OPPOSITE,
MADURAI

ORDER
IN
CRL OP (MD) No.7847 of 2021
Date : 21/06/2021

VB/PN/SAR.III/02.07.2021/3P/6C