



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

Date : 22/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8127 of 2021

WEB COPY

Pandian

... Petitioner/Accused No.1

Vs

State rep by

The Sub Inspector of Police,
Civil Supplies Crime Intelligent Division,
Pudukkottai Civil Supply Police Station,
Pudukkottai District.

Cr.No.66 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Mathavan G,
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 Cr.No.66 of 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)(A) of the Scheduled Commodities (RDCSC) Order 1982 and Sections
7(1), 7(3) of Essential Commodities Act, 1955 in Crime No.66 of
2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.06.2021, when the
respondent police was engaged in preventing of offence relating to
the essential commodities Act, they found one vehicle bearing
registration No.TN 48 4444 and on enquiry and search, it was found
that there was 40 sacks, each containing 40 kg of rice, which meant
for poor public. 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 both the vehicle and rice were seized, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to contribute 13 bags of branded ponni rice (each 40 Kg) to "Annai Sathiya Kulanthaigal Kappagam", 44C, Chinnappa Nagar, 3rd Street, Pudukottai 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 Court No. I, Pudukottai, Pudukkottai District 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/-
22/06/2021

/ 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.

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TO

1. THE JUDICIAL MAGISTRATE NO.I,
PUDUKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
CIVIL SUPPLIES CRIME INTELLIGENT DIVISION,
PUDUKKOTTAI CIVIL SUPPLY POLICE STATION,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE OFFICER INCHARGE,
"ANNAI SATHIYA KULANTHAIGAL KAPPAGAM",
44C, CHINNAPPA NAGAR, 3RD STREET,
PUDUKOTTAI.

ORDER
IN
CRL OP(MD) No.8127 of 2021
Date : 22/06/2021

VB/MNR/SAR.III/29.06.2021/3P/6C