



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8585 of 2021

1. Chithambaram
2. Mani
3. Sundar

... Petitioners/Accused No.2 to 4

Vs

State rep by

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

... Respondent/Complainant

Crime No.64 of 2021

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

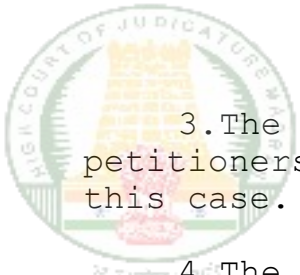
PRAYER :-

For Anticipatory bail in Crime No.64 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) of the Scheduled Commodities (RDCS) order 1982 and Section 7(1)(a)(ii) of Essential Commodity Act 1955 in Crime No.64 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 11.06.2021 at about 11.30 a.m., after getting secret information, the respondent police along with other officers conducted the search in the asbestos godown situated at Kuthadivayal, Narkuravar Colony and found 65 bags of PDS rice each contain 50kgs (totally 3250 kgm) and they seized the godown as well as the rice. Hence, a case has been registered.



3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have 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. He further submitted that no previous case is pending against the petitioners.

5.Taking note of the fact that the material witnesses are the police officials and also the fact that the said contraband was seized, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are directed to contribute 21 bags of branded ponni rice( each 50 Kg) to "Annai Sathiya Kulanthaigal Kappagam", 44C, Chinnappa Nagar, 3<sup>rd</sup> Street, Pudukottai without prejudice to their defence before the trial Court.

7.On such contribution being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Pudukkottai, Pudukkottai District, on condition that the petitioners shall execute 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 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 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 card or Bank pass Book to ensure their identity;

[b]the petitioners shall report before the respondent police, daily at 10.30 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]**;



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

Sd/-  
30/06/2021

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/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

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.1,  
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
PUDUKOTTAI 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, 3<sup>RD</sup> STREET,  
PUDUKOTTAI.

ORDER  
IN  
CRL OP(MD) No.8585 of 2021  
Date : 30/06/2021

VB/MNR/SAR.III/06.07.2021/3P/6C