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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2021

PRESENT

The Hon'ble Mr. Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9173 of 2021

Murugan

... Petitioner/Accused
Rank Not Known

Vs

The State Rep. by,
The Inspector of Police,
Usilampatti Town Police Station,
Madurai District
(Crime No.310/2021).

... Respondent/Complainant

For Petitioner : Mr.C.Mayilvahana Rajendran,
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. 310 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)TNSC (RDCS)Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.310 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 17.06.2021, at about 05.30 am., the defacto complainant, who is the Village Administrative Officer, received an information from the Village Assistant that a van bearing registration No.TN 49 AH 3641 met with an accident at Usialmpatti-Madurai main road near Kongapatti petrol bunk. The defacto complainant visited the place and found 90 sacks of ration rice, each containing 50 kg. 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, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is directed to contribute 30 bags of branded ponni rice(each 50 Kg) to "Sakthi Vidiyal Shelter Home", Kennet Nagar, Muthupatti, Madurai-625003 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.I, Usilampatti, 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.

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sd/-
12/07/2021

/ /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,
USILAMPATTI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
USILAMPATTI TOWN POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO :

THE OFFICER INCHARGE,
SAKTHI VIDYAL SHELTER HOME,
KENNET NAGAR, MUTHUPATTI,
MADURAI-625003.

ORDER
IN
CRL OP(MD) No.9173 of 2021
Date :12/07/2021

GNS
USK/JC/SAR-II : 15/07/2021 : 3P/6C