



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9373 of 2021

Jayaram

... Petitioner/2nd Accused

Vs

The State rep. By,
The Inspector of Police,
Civil Supplies C.I.D,
Sivagangai.
(Crime No.42 of 2021)

... Respondent/Complainant

For Petitioner : Mr.G.D.Manikandan,
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.42 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Clause 6 (4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.42 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 22.05.2021, when the respondent police was on surveillance duty, they found TATA Ace Vehicle bearing registration No.TN 63 AD 2824 in illegal possession of 40 bags of rice(each contained 40 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.



respondent police opposed this petition on the ground that investigation is not completed. He fairly conceded that the petitioner is having no previous case.

5.Taking note of the fact that the material witnesses are official witnesses and also the fact that no previous case is pending against the petitioner, 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 Kgs) to **Government Children's Home, 48-Colony, Paiyur Pillaivayal, Sivagangai**, 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, Sivagangai, 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/-
15/07/2021

/ 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.

TO

- 1.THE JUDICIAL MAGISTRATE NO.I
SIVAGANGAI
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D,
SIVAGANGAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO
THE OFFICER INCHARGE,
THE GOVERNMENT CHILDREN'S HOME,
48-COLONY, PAIYUR PILLAIVAYAL,
SIVAGANGAI,

ORDER
IN
CRL OP(MD) No.9373 of 2021
Date :15/07/2021

SJI
RT/SRS/SAR-IV/19.07.2021/3P/6C