



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9738 of 2021

Kumar ... Petitioner/Accused No.2

Vs

The State through the Inspector of Police,
Kuzhithurai Police Station,
Crime No.90/2021. ... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel for Mr.K.Prabhu.
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.90/2021 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 Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.90 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of the vehicle and said to have illegally transported 36590 kgs of PDS rice by using lorry bearing Registration No.TN-75-R-1928, along with A1 on 11.07.2021. Therefore, this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that he is not the owner of the vehicle and only based on the confession statement of A-1, the petitioner had been implicated as A2 in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the said contraband was recovered by the respondent police. He further submitted that A-1 and A-5 had already been arrested and released on bail and A-3 and A-4 are still



absconding. He further submitted that one similar previous case is pending against the petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Taking note of the fact that the material witnesses are official witnesses and also the fact that the rice were seized, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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.III, Nagercoil, 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 the 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/-
22/07/2021

/ 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE COURT NO.III,
NAGERCOIL
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE,
KUZHITHURAI POLICE STATION.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.K.PRABHU, Advocate (SR-4783[I] dated 22/07/2021)

ORDER
IN
CRL OP(MD) No.9738 of 2021
Date :22/07/2021

SJI
MK/JM/SAR.I/26.07.2021/3P/6C