



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

Date : 29/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.10057 of 2021

S.Murugalakshmi

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
CSCID Police Station,
Thoothukudi City.
Crime No.77 of 2021

... Respondent

For Petitioner : Mr.S.Senthil Sankaranathakumar,
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.77 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(2)(3) TNSC(RDCS) order 1982, r/w Section 7(1), 9(ii) EC Act, 1955 in Crime No.77 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that a complaint was received that ration rice has been smuggled out from the Postal Employees Co-Operative Godown's ration shop in Thoothukudi. The Joint Sub Registrar conducted an inspection on 05.06.2021 and found there were irregularities to the tune of Rs.62,775/-. The petitioner was responsible for the irregularities. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. The petitioner paid Rs.62,775/- on 24.06.2021 and filed a copy of the receipt.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that



investigation is pending. He further submitted that similar case was registered against the petitioner in Cr.No.158 of 2018.

5.Perusal of receipt produced by the petitioner shows that there was shortage in stock related to rice, sugar, palm oil, chickpeas, lentil to the tune of Rs.62,175/-. The petitioner now paid the amount. The petitioner is a woman. Taking note of all these factors and the fact that the allegation against the petitioner is to be proved through documentary evidence, this Court is of the view that custodial interrogation of the petitioner is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

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-IV, Thoothukudi, 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 as and when required.

[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/-

29/07/2021

/ 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.IV, THOOTHUKUDI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
CSCID POLICE STATION, THOOTHUKUDI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10057 of 2021

Date :29/07/2021

GNS

MS/VR/SAR-1/02.08.2021/3P.5C