



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 29/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) . No.10124 of 2021

Muthupandi

... Petitioner/Accused

Rank Not Known

Vs

The State rep by  
The Inspector of Police,  
Civil Supplies C.I.D.,  
Sivagangai.  
Crime No.65 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,  
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.65 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 Clause 6 (4) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.65 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 24.07.2021 at about 05.30 p.m., when the de-facto complainant along with other officials were engaged in preventing of offence relating to the essential commodities Act, they found Bolero Pickup vehicle bearing Registration No.TN-31-P-0140 and on enquiry and search, it was found that there was 19 bags of rice, each containing 50 kgs, which meant for poor public. 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. He fairly conceded that no previous case is pending against the petitioner.

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

6.Accordingly, the petitioner is directed to contribute 6 bags of branded ponni rice( each 50 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/-  
29/07/2021

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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.I, SIVAGANGAI.
2. DO-THROUGH 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,  
GOVERNMENT CHILDREN'S HOME,  
48-COLONY, PAIYUR PILLAI VAYAL,  
SIVAGANGAI.

ORDER  
IN  
CRL OP(MD) No.10124 of 2021  
Date : 29/07/2021

VB/JM/SAR.I/02.08.2021/3P/6C