



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11772 of 2021

S.Balasubramanian

... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
CSCID-Madurai,
Tirunelveli Police Station,
Tirunelveli District,
Crime No.152 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian.N,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory bail in Crime No.152 of 2021 on the file of the Respondent Police

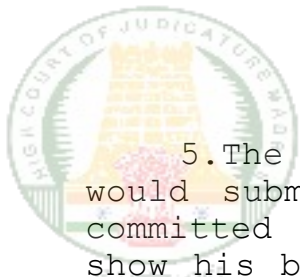
ORDER : The Court made the following order :-

The petitioner/A1 apprehending arrest for the offence punishable under Sections 6(2), 6(3) and 6(4) of Tamil Nadu Schedule Commodity (RDGS) order, 1982 r/w 17 of Tamil Nadu Kerosene (Regulation of Trade) order, 1972 r/w 7(i)(a)(ii) of Essential Commodities Act, 1955, in Crime No.152 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with some other persons had illegally transported 28 bags of rice, 1 bag of sugar, 1 bag of dhal, 10 oil pockets and 3 litre bottle of kerosene. Hence, the complaint.

3.This Court by order dated 02.09.2021 granted interim anticipatory bail to the petitioner enabling him to appear before the respondent police for enquiry.

4.The learned Government Advocate (Crl.side) would submit that enquiry was conducted and it reveals that this petitioner was in-charge of two ration shops. Though there was sufficient stock in the other shop, this petitioner under the guise of taking the stock to other shop, has attempted to sell the PDS rice in the open market.



5.The learned counsel for the petitioner disputed the same, would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, to show his bona fide, he is prepared to deposit a sum of Rs.10,000/- to the credit of Crime No.152 of 2021, without prejudice to his case before the trial Court.

6.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and his willingness to deposit a sum of Rs.10,000/- to the credit of Crime No.152 of 2021, without prejudice to his case before the trial Court, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this Criminal Original Petition is allowed and 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.II, Tirunelveli, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of Crime.No.152 of 2021 before the learned Judicial Magistrate No.II, Tirunelveli without prejudice to his case before the trial Court.

[c]the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.



[g]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/09/2021

/ TRUE COPY /

WEB COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

msa

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

ORDER
IN
CRL OP(MD) No.11772 of 2021
Date :13/09/2021

PKP/JC/SAR-2/24.09.2021/3P/5C