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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14463 of 2021

Lawrance

... Petitioner/Accused

Vs

State rep by
The Inspector of Police,
CSCID Police Station,
Tirunelveli,
Tirunelveli District.

... Respondent/Complainant

For Petitioner : Mr.T.Pon Ramkumar
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.178 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act 1955 in Crime No.178 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has illegally transported 600kgs of PDS rice for sale at higher price.

3. The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner, to show his

bonafide, is prepared to deposit some amount to the credit of the Chief Minister's Public Relief Fund.

4. The learned Government Advocate (Crl. Side) strongly opposed for grant of anticipatory bail on the ground that the petitioner is having one previous case and the investigation is yet to completed.

5. Considering the facts and circumstances of the case and the nature of allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this criminal original petition is allowed on condition that the petitioner shall pay a sum of Rs.40,000/- (Rupees Forty Thousand Only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate NO.II, Tirunelveli.

7. On production of such receipt/acknowledgment, 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.II, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 report before respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
30/09/2021

/ TRUE COPY /

/ /2021

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

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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 DISTRICT.
3. THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
TIRUNELVELI, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND
GOVERNMENT OF TAMIL NADU, SECRETARIAT BRANCH,
CHENNAI-9.

+1 CC to M/s.T.PON RAMKUMAR, Advocate (SR-6771[I] dated
30/09/2021)

ORDER
IN
CRL OP (MD) No.14463 of 2021
Date : 30.09.2021