



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17735 of 2021

Santhanam

... Petitioner/6th Accused

Vs

The State rep.by,
The Inspector of Police,
Civil Supplies C.I.D.,
Madurai.

Crime No.181 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory bail in Crime No.181 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Clause 6(2), 6(3) and 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order, 1982, r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Cr.No.181 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 08.11.2021, while the respondent police were on surveillance near MMC Colony, they followed three two wheelers carrying a big jute bag and they reached the godown at Kaveri Nagar and it was found that the petitioners have illegally transported 8,230 Kgs of PDS boiled rice and 1500 kgs of PDS broken rice to the value of Rs.69,974/-. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner has only purchased rice from the card holders and he is not committed any offence as alleged by the



prosecution. The petitioner is not having any previous case. Co-accused was arrested and released on bail. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that totally 8,230 Kgs of PDS boiled rice and 1500 kgs of PDS broken rice to the value of Rs.69,974 were recovered from the first accused. He would further submit that no property has been recovered from the petitioner and this petitioner is not having any previous case at his credit.

5.Considering the nature of charges levelled against the petitioner and also the facts that entire properties have been recovered, that too, from the first accused, that the co-accused were already arrested and enlarged on bail and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.III, Madurai 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(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]***; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/11/2021

/ TRUE COPY /

/ /2021

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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.III
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D., MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17735 of 2021
Date :24/11/2021

PNM
MK/PN/SAR.III/30.11.2021/3P/5C