



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

Date : 17/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17874 of 2021

Kuppamuthu

... Petitioner/Accused No.2

Vs

State rep.by
The Sub Inspector of Police,
Civil Supplies C.I.D.
Virudhunagar,
Virudhunagar District.
(Crime No.160 of 2021).

... Respondent/Complainant

For Petitioner : M/s.M.Jothibas, Advocate.

For Respondent : M/s.S.S.Madhavan,
Government Advocate (Crl.Side).

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

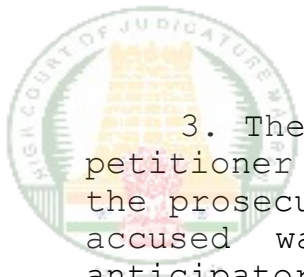
PRAYER :-

For Anticipatory bail in Crime No.160 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 Sections 6 (4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 r/w 7(1) (a)(ii) of Essential Commodities Act, 1955, in Cr.No.160 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant and his parties have intercepted the vehicle belongs to the first accused and recovered 890 Kgs of rice in 45 bags. The second accused had purchased the PDS rice from the card holders with an intention to sell the same in open market. Hence, the present complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and 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.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that investigation is not yet completed and the petitioner is not having any previous case at his credit.

5. It is the specific case of the prosecution that the petitioner had purchased PDS rice from the card holders, who in turn sold the same to the first accused. Considering the nature of charges levelled against the petitioner, that the first accused was arrested and released 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.I, Virudhunagar 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.

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Sd/-
17/11/2021

/ /2021
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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,
VIRUDHUNAGAR.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE SUB INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D.,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.G.M.LAW OFFICE, Advocate SR.No.8223

ORDER
IN
CRL OP(MD) No.17874 of 2021
Date :17/11/2021