



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

Date : 18/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17987 of 2021

C.Rajavel ... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Uthamapalayam Police Station,
CSCID, Theni District.
Crime No.154/2021.

... Respondent/Complainant

For Petitioner : Mr.B.Chandramohan,
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.154 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), 7(1)(a)(ii) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982, Essential Commodities Act, 1955, in Cr.No.154 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant and his party have visited the lorry shed belongs to the petitioner and recovered 950 Kgs of rice in 38 bags. Hence, the present complaint was lodged against the petitioner and his wife.

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 has purchased some other variety of rice for selling. 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 investigation is not yet completed and the petitioner is not having any previous case at his credit.

5.The learned counsel for the petitioner would submit that while granting bail in another case in Cr.No.5 of 2018, on the file of the same respondent police, this Court has observed that the learned counsel for the petitioner has brought to the notice of the Court that there was ill-will between the petitioner and the local administration and that therefore, the Court was of the view that possibility of false implication cannot be ruled out and granted anticipatory bail to the petitioner. The learned counsel for the petitioner would further submit that the petitioner has purchased some other variety of rice for selling, but the respondent police has recovered the same, as if the said rice is meant for PDS.

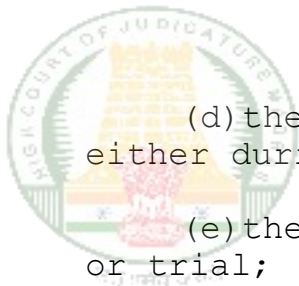
6.Considering the facts and circumstances of this case and also the fact that the second accused, who is the wife of the first petitioner/A1, was arrested and released on bail by the Principal Sessions Judge, Theni and that the properties have already been recovered, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7. 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, Uthamapalayam 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 petitioners shall deposit a sum of Rs.10,000/- (**Rupees Ten 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 their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

(b)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;

(c)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.



(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

WEB COPY (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]**; and;

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

sd/-

18/11/2021

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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, UTHAMAPALAYAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
CSCID, THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- COPY TO:
THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU, SECRETARIAT, CHENNAI-9.

+1 CC to M/s.B.CHANDRA MOHAN, Advocate (SR-8292[I] dated 19/11/2021)

ORDER IN

CRL OP(MD) No.17987 of 2021

Date :18/11/2021

PNM

<https://hmcvtce.org.in/Services/1.2021/3P.7C>