



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.18532 and 18556 of 2021

T.Jeyakumar

... Petitioner/Accused
(Rank Not Known)
(in both Petitions)

Vs

State rep.by
The Inspector of Police,
Civil Supplies C.I.D.,
Uthamapalayam,
Theni District.
(Crime No.203/2019)

... Respondent/Complainant
(in Crl OP(MD)No.18532/2021)

State rep.by
The Inspector of Police,
Civil Supplies C.I.D.,
Uthamapalayam,
Theni District.
(Crime No.106/2019)

... Respondent/Complainant
(in Crl OP(MD)No.18556/2021)

For Petitioner : M/s.Lenin Kumar T, Advocate
(in both Petitions)

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor
(in both Petitions)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.203 and 106 of 2019 on the file of the Respondent police.

ORDER : The Court made the following common order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Clause 6(4) of TNSC (RDSCS) Order 1982 r/w 7(1)(A) (ii) of Essential Commodities Act, 1955, in Crime Nos.203 and 106 of 2019, seeks anticipatory bail.



2.The case of the prosecution in CRL OP(MD). Nos.18532 of 2021 is that the *defacto* complainant and his party have seized 750 Kgs of rice in 15 bags. The 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 case of the prosecution in CRL OP(MD). Nos.18556 of 2021 is that the *defacto* complainant and his party have seized 1,100 Kgs of rice in 22 bags. The accused had purchased the PDS rice from the card holders with an intention to sell the same in open market. Hence, the present complaint.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused said to have illegally transported PDS rice. He would also submit that the entire contraband were seized by the respondent police. He would further submit that the petitioner was granted anticipatory bail by this Court Crl.OP(MD)No.18688 of 2021, dated 29.11.2021 with respect to the Crime No.8 of 2020.

6.Considering the nature of the charges levelled against the petitioner and also the fact that the property has already been recovered, that the petitioner has already been granted anticipatory bail with respect to the crime no.8 of 2020, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

7. Accordingly, 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, 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 petitioner 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)for each case, 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;

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(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;

(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/-
30/11/2021

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

das

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.



1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D., UTHAMAPALAYAM,
THENI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI.

ORDER
IN
CRL OP (MD) .Nos.18532
and 18556 of 2021
Date :30/11/2021

SP/JM/SAR IV/06/12/2021/3P/6C