



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/12/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.20963 of 2021

1.M.Aathilingam

2.T.Ayyamperumal

... Petitioners/Accused Rank Not known

Vs

State Rep by,

The Inspector of Police,

CSCID Madurai Police Station,

Thoothukudi,

Thoothukudi District.

(Crime No.163 of 2021) ... Respondent/Complainant

For Petitioners : Mr.R.Ilayaraja,Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.163 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 7(1)(a)(ii) of Essential Commodities Act, 1955 and Clause 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 registered in Crime No.163 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that based on the secret information, the de-facto complainant along with other officials were engaged in preventing of offence relating to the essential commodities Act, they found one vehicle bearing registration No.TN-20-C-4023 and on search, it was found that there was 20 bags of rice (each weighing 50kg), which meant for poor public. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the first petitioner is the Salesman and second petitioner is the temporary staff in 26 DPO 15 PY Sri Venkatesapuram Ration Stall and they are innocents and they have been falsely implicated in this case.

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4.The learned Additional Public Prosecutor for the respondent police submitted that stocks were verified and it was found that there is no shortage of stocks found in the said ration stall.

5.Considering the nature of offence, the overt act attributed against the petitioners and there is no shortage of stocks found in said ration stall, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.IV, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
29/12/2021

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sjj

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.IV,
THOOTHUKUDI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE
C.S.C.I.D., MADURAI POLICE STATION,
THOOTHUKUDI, THOOTHUKUD DISTRICT

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

+1 CC to M/s.R.ILAYARAJA, Advocate (SR-9835[I] dated 30/12/2021)

ORDER

IN

CRL OP(MD) No.20963 of 2021

Date :29/12/2021

PKP/JM/SAR-4/04.01.2022/3P/6C