



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29.12.2021
PRESENT

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The Hon`ble Mrs.Justice S.ANANTHI
CRL OP(MD) . No.20955 of 2021

Malathi

... Petitioner/Accused No.3

Vs.

The state represented by
The Inspector of Police,
Madurai CSCID Police Station,
Thanjavur.
Crime No.208 of 2021

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, 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.208 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order 1982 and 7(1)(a)(ii) of the Essential Commodities Act in Crime No.208 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that on 14.12.2021, A2 has illegally transported 50 bags of PDS rice in TATA Ace vehicle of A1. On the basis of the confession statement of A2, this petitioner has been implicated as an accused.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. No previous case is pending against the petitioner.

4. The learned Government Advocate appearing for the respondent Police, on instructions, would submit that the PDS rice which was illegally transported has been recovered from the accused and no previous case is pending against the petitioner.



5. Considering the facts that the PDS rice has already been recovered and no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is directed to contribute 50 Kgs of branded ponni rice **to the Rojavanam Senior Citizens Care Centre, Near Madurai Bench of Madras High Court, Melur Road, Uthangudi, Madurai** without prejudice to her defence before the trial Court. On such contribution being made, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate II, Thanjavur and on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum 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 Aadhaar cards or bank pass books to ensure their identity.

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days 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.

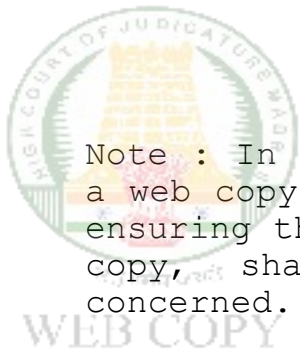
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560].

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

sd/-
29/12/2021

/ TRUE COPY /

/ /2022
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.II,
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
MADURAI C.S.C.I.D POLICE STATION, THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ROJAVANAM SENIOR CITIZENS CARE CENTRE,
NEAR MADURAI BENCH OF MADRAS HIGH COURT,
MELUR ROAD, UTHANGUDI, MADURAI.

+1. CC to M/S.ARUNRAJ K Advocate SR.No.9838

ORDER
IN
CRL OP(MD) No.20955 of 2021
Date :29/12/2021

SS/VR/SAR-IV/03.01.2022 : 3P/7C