



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.12.2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.20978 of 2021

Murugan @ Murugesu Pandiyan

... Petitioner/Accused No.10

Vs.

State rep.by
The Inspector of Police,
CSCID - Madurai,
Madurai District.
(Crime NO.207/2021)

... Respondent/Complainant

For Petitioner : M/s.S.Saravanakumar, Advocate

For Respondent : M/s.K.Sanjai Gandhi,
Government Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.207 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(2), 6(3) and 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 r/w 7(1)(a) (ii) of the Essential Commodities Act, 1955 in Crime No.207 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 20.12.2021, the respondent and their subordinates conducted a raid in a godown situated at MGR Nagar, Nariguravar Colony, Sakkimangalam, Madurai. On search, they found 40 tons of rice and 1750 Kgs of wheat meant for PDS. Further, seven lorries were parked within the campus and the lorries were in possession of another 40 tons of rice.



3. The learned counsel for the petitioner would submit that the PDS rice was recovered only from A2 to A8. The petitioner, who is A10, is an innocent person and he is only a driver of the lorry.

4. The learned Government Advocate, on instructions, would submit that no previous case is pending against the petitioner.

5. Considering the facts that the PDS rice was recovered only from A2 to A8, that no previous case is pending against the petitioner and that the petitioner is only a driver of the lorry, this Court is inclined to grant anticipatory bail to the petitioner 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate III, Madurai and on him 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.III)
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 III,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
CSCID -MADURAI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.20978 of 2021

Date :29/12/2021

SP/PN/SAR III/03/01/2022/3P/5C