



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.20981 of 2021

Selvam @ Selvaraj

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
CSCID Police Station,
Tirunelveli.
Cr.No. 195 of 2021.

... Respondent/Complainant

For Petitioner : M/s.ABIYA.K, 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.195 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) TNSC (RDCS) Order 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the second accused was found in illegal possession of 28 Bags of PDS rice in his house. On the confession given by the second accused, the petitioner has been arrayed as the first accused.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would also submit that on the confession statement given by the second accused, the petitioner was implicated in this case and the entire contraband was seized by the police.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the second accused was found in illegal possession of 28 Bags of PDS rice and A2 in this case was arrested and released on bail. He would also submit that the entire contraband was seized by the respondent police and no previous case is pending against the petitioner.



6. Considering the facts and circumstances of the case and also considering the fact that the entire contraband was seized by the respondent police and no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

WEB COPY

7. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall pay 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 his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned **Judicial Magistrate No.II, Tirunelveli**.

8. On production of such receipt/acknowledgment, 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 No.II, Tirunelveli**, on condition that the petitioner shall execute 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 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]**; and;

(f) if the accused 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, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
TIRUNELVELI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9

+1. CC to M/S.ABIYA.K, Advocate SR.No.9824

ORDER

IN

CRL OP(MD) No.20981 of 2021

Date :29/12/2021

SA/PN/SAR.1/03.01.2022/3P/7C