



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eleventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM
CRIMINAL ORIGINAL PETITION No.11051 of 2022

P.MURUGESAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUPPUR, TIRUPPUR DISTRICT
CR.NO.NOT KNOWN OF 2022.

[RESPONDENT]

For Petitioner : M/S.C.PRAKASAM Advocate

For Respondent : MR. S.UDHYAKUMAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of E.C.Act in Crime No.90 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 30.04.2022, when the cooperative officials inspected the shop run by the Dharapuram Agricultural Producers Cooperative Marketing Society, it was found that there was shortage in the stocks of 70 bags of rice, 4 bags of sugar and 65 litres of Palm Oil worth Rs.1,26,975/-.

3. The learned counsel for the petitioner submitted that the petitioner had not committed any such offence as alleged by the prosecution and he is a law abiding citizen. He further submitted that due to his illness, on the next day i.e. on 01.05.2022 being Sunday, he could not pay the shortage amount to the society account, but on the next working day i.e., on 02.05.2022, he paid the entire sale proceeds amount vide receipt No.4619, 4620 and 4618.



4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on inspection on 30.04.2022, it was found that there was shortage of Rs.1,26,975/- and the said amount was paid on 02.05.2022 with one day's delay.

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5.Taking into consideration the facts that the next day of inspection i.e, 01.05.2022, being Sunday, the amount could not be paid by the petitioner and on the next day,i.e, on 02.05.2022, the petitioner paid the shortage amount, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tiruppur, Tiruppur District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/-only (Rupees Twenty Five Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before Investigating Officer as and when required;

(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 has 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.

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-sd/-
11/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, TIRUPPUR, TIRUPPUR DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUPPUR TIRUPPUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.PRAKASAM Advocate on payment of necessary charges
Sr.7100

CRL OP.11051/2022

Date :11/05/2022

RVR 16/05/2022