



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/02/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.1268 of 2022

Sundar Raj

... Petitioner/Accused Rank not known
Vs

The state represented by
The Inspector of Police,
Civil Supplies CID,
Virudhunagar District.
Cr.No.9 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Sathish Kumar,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.156 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused Rank Not known, who apprehends arrest at the hands of the respondent police for the offence punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Cr.No.9 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant and his party have seized 50 Kgs of PDS rice in 220 bags. The accused had purchased the PDS rice from the card holders with an intention to transport the same to Kerala. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner along with other accused said to have illegally transported PDS rice. He would also submit that the entire contraband were seized by the respondent police.



5.It is not in dispute that FIR came to be registered against A1 and A2 and only on the basis of the confession allegedly taken from the second accused, the present petitioner was added.

6.Considering the facts and circumstances of the case and also the facts that the first accused was already released on bail, that the property has already been recovered from the first accused and that the petitioner is not having any previous case for similar or serious offence as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.I, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 am for a period of one month 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/-

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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.I,
VIRUDHUNAGAR DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES CID, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SATHISH KUMAR Advocate SR.No.894

ORDER
IN
CRL OP(MD) No.1268 of 2022
Date :07/02/2022

SS/JM/SAR-IV/11.02.2022 : 3P/6C