



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3798 of 2022

Akash @ Akashraj

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Civil Supplies C.I.D.,
Trichy.
Crime No.25 of 2022

... Respondent/Complainant

For Petitioner : Mr.T.LENIN KUMAR
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.side)

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

PRAYER :- For Anticipatory Bail in Cr.No.25 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

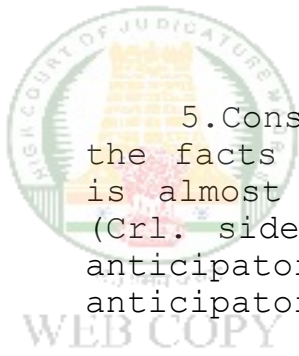
The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities act, 1955, in Crime No.25 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 22 bags of PDS rice (each containing 50kgs). Hence, the 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. He would further submit that A1 was released on bail by this Court in Crl.O.P.(MD)No.3391 of 2022, dated 17.02.2022 and A3 was granted anticipatory bail by this Court in Crl.O.P.(MD)No.3642 of 2022, dated 22.02.2022.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the property has been recovered.

<https://hcservices.ecourts.gov.in/hcservices/>



5.Considering the facts and circumstances of the case and also the facts that the property has been recovered, that investigation is almost completed as stated by the learned Government Advocate (Crl. side) and that the co-accused were already granted bail and anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, 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 Judicial Magistrate No.VI, Trichy.

7.On production of such receipt/acknowledgment, 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.VI, Trichy, 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/-

24/02/2022

/ 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.VI
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D.,
TRICHY.
- 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.

ORDER

IN

CRL OP(MD) No.3798 of 2022
Date :24/02/2022

SA/VR/SAR.1/07.03.2022/3P/6C