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CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18.07.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.4416 of 2022

P.Muruganandam ... Petitioner/ Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Civil Supply C.I.D.,
Virudhunagar.
(Crime No.41 of 2022)

... Respondent

For Petitioner : Mr.N.Mohideen Basha, Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.41 of 2022 on the file of the Respondent police.

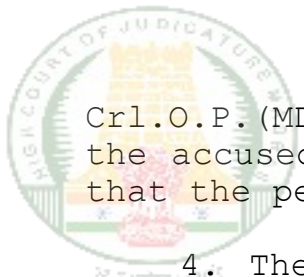
ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of TN Scheduled Commodities (RDCS) order, 1982 and Section 7(1)(a) (ii) of Essential Commodities Act, 1955, in Crime No.41 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.02.2022, the petitioner along with other accused had illegally transported 400 bags of PDS rice and 100 bags of PDS Wheat. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the accused 4 to 8 were already released on bail by this Court in

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CrI.O.P.(MD)No.5229 of 2022 vide order dated 23.03.2022 and of the accused were granted anticipatory bail. He would further submit that the petitioner has already deposited Rs.4,625/- as penalty.

4. The learned Additional Public Prosecutor would submit that the property has been recovered.

5. Considering the nature of charges levelled against the petitioner and also the facts that the accused 4 to 8 were already released on bail, that some of the accused were already granted anticipatory bail and that property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner shall deposit a sum of **Rs.30,000/- (Rupees Thirty 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.I, Virudhunagar.

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.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 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 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 thirty (30) days and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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

COPY TO

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

+1. CC to M/S.MOHIDEEN BASHA N Advocate SR.No.7233(I)

ORDER
IN
CRL OP(MD) No.4416 of 2022
Date :18/07/2022

PKP/VR/SAR-2/21.07.2022/3P/7C

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