



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

Date : 18/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.6405 and 6422 of 2022

M.Sundara Pandi ... Petitioner/Accused No.2
(in Cr1.OP(MD)No.6405/2022)

V.Jayaraj ... Petitioner/Accused No.3
(in Cr1.OP(MD)No.6422/2022)

Vs.

State rep.by
The Inspector of Police,
Uthamapalayam CSCID Police Station,
Uthamapalayam,
Theni District.
(Crime.No.54/2022) Respondent/Complainant
(in both petitions)

(in both petitions)

For Petitioners : Mr. Karuppasamy Pandian.M., Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Cr1.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.54 of 2022 on the file of the Respondent police.

ORDER : The Court made the following common order :-



of TNSC (RDCS) order 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.54 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused had illegally transported 89 plastic bags (totally 4600 kgs) of PDS rice and 4 plastic bags (totally 210 kgs) of PDS wheat. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the property has been recovered. He would further submit that the petitioner in CrI.OP(MD)No.6422/2022, is having one previous case and the first accused has already been granted bail by this Court in CrI.OP(MD)No.6351 of 2022, dated 07.04.2022.

5.Considering the facts and circumstances of the case and also the facts that the property has already been recovered and that the first accused was already granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

6.Accordingly, the Petitioner/A2 (in CrI.OP(MD)No.6405/2022) shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) and the Petitioner/A3 (in CrI.OP(MD)No.6422/2022) shall pay a sum of Rs.15,000/- (Rupees Fifteen 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 their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Uthamapalayam, Theni District.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;



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

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
18/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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,
UTHAMAPALAYAM, THENI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM CSCID POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

+1. CC to M/S. KARUPPASAMY PANDIAN.M. Advocate SR.No.3481

ORDER
IN
CRL OP (MD) . Nos.6405
and 6422 of 2022
Date :18/04/2022

SP/SVR/SAR II/22/04/2022/3P/7C