



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

Date : 29/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.8323 of 2022

1. Anand
2. Charles Mohan

... Petitioners/Accused
Rank Not Known

Vs

The State Rep. By,
The Inspector of Police,
Civil Supplies CID,
Virudhunagar District.
(Crime No.49/2022).

... Respondent/Complainant

For Petitioners : M/s. Sathish Kumar.K.,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.49 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, 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.49 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had
illegally transported 277 bags of PDS rice (each contains 50 kgs).
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.



5.Considering the facts and circumstances of the case and also the facts that the property has already been recovered and that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioners, but with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 No.I, Virudhunagar.

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 No.I, Virudhunagar, 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/04/2022

/ 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.I,
VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR 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.

COPY TO :

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

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-4243[I] dated 29/04/2022)

ORDER
IN
CRL OP(MD) No.8323 of 2022
Date :29/04/2022

DAS
USK/JM/SAR-II/10.05.2022/3P/7C