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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.8946 of 2022

Ukkirapandi ... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
Civil Supplies C.I.D,
Madurai
(Crime No.88 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
Advocate.
For Respondent : Mr.A.Albert James
Government Advocate (Crl.Side)

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

PRAYER :-
For Anticipatory Bail in Crime No.88 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Cr.No.88 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant and his parties have intercepted the vehicle belongs to the petitioner and recovered 39 bags of rice each weighing 40 Kgs. Hence, the law enforcing agency registered a case against the petitioner and the other accused person.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner is ready to deposit any amount that may be imposed by this Court.

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4.The learned Government Advocate (Crl. side) would submit that the property has been recovered and no previous case is pending against the petitioner.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the entire contraband was seized by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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.III, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 is directed to pay a sum of Rs.40,000/- (Rupees Forty thousand only) by way of Demand Draft in favour of "The District Collector, Madurai District" to utilise the same for the purpose of "Noon Meal Scheme", without prejudice to his rights and contentions before the trial Court and on production of such demand draft, the learned Magistrate shall accept the sureties furnished by the petitioner.

c) the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

e) the petitioner shall not abscond either during investigation or trial;

f) 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;

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g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/05/2022

/ TRUE COPY /

13/05/2022
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.III
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE DISTRICT COLLECTOR,
MADURAI DISTRICT.

4 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D,
MADURAI.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-4593[I] dated 11/05/2022)

ORDER
IN
CRL OP(MD) No.8946 of 2022
Date :11/05/2022

RS/VR/SAR.4 (13.05.2022) 3P-7C

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