



WEB COPY

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

Date : 16/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.9740 and 9748 of 2022

- | | |
|-----------------------|---|
| 1. Marikarai | |
| 2. Pandi @ Palpandian | ... Petitioners/Accused
Rank Not Known
(in Crl.O.P.(MD)No.9740 of 2022) |
| | |
| 1. Palanisamy | |
| 2. Kasthuri | |
| 3. Thirukannan | ... Petitioners/Accused
Rank Not Known
(in Crl.O.P.(MD)No.9748 of 2022) |

Vs

State rep.by The Inspector of Police, Civil Supplies CID, Virudhunagar District. (Crime No.99 of 2022).	... Respondent/Complainant (in both Petitions)
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For Petitioners : M/s.SATHISH KUMAR K, Advocate.
(in Crl.O.P.(MD)No.9740 of 2022)
: M/s.P.MANIANANTH, Advocate
(in Crl.O.P.(MD)No.9748 of 2022)

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)
(in both Petitions)

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

COMMON PRAYER :-

For Anticipatory bail in Crime No.99 of 2022 on the file of the
Respondent Police.



COMMON ORDER : The Court made the following order :-

The petitioners/A8, A9, A6, A7 and A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.99 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant and his party have seized 15,550 kgs PDS rice. The accused had collected the PDS rice and sold the same in black market illegally. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners 1 and 2 are the main accused, that the petitioners 3 and 4 are working as salesmen and that the fifth petitioner is the vehicle contractor of loading the goods from the godown and delivered the same to the ration shops. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) would submit that the property has been recovered and that the first petitioner is having two previous cases for similar offence. He would further submit that the charges against the fifth petitioner is serious in nature and hence, he strongly opposed this petition.

5.At this juncture, the learned counsel appearing for the petitioners seek permission of this Court to not press this petition as against the fifth petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as against the fifth petitioner is concerned.

6.Considering the nature of charges levelled against the petitioners 1 to 4 and also the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners 1 to 4 with certain conditions.

7.Accordingly, the petitioners 1 and 2 shall pay a sum of Rs.1,00,000/- (Rupees One Lakh only) each and the petitioners 3 and 4 shall pay a sum of Rs.75,000/- (Rupees Seventy 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 Court No.I, Virudhunagar.



8. On production of such receipt/acknowledgment, the petitioners 1 to 4 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 Court No.I, Virudhunagar, on condition that the petitioners 1 to 4 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 1 to 4 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 1 to 4 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 1 to 4 shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners 1 to 4 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 1 to 4 in accordance with law as if the conditions have been imposed and the petitioners 1 to 4 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 1 to 4 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
16/06/2022

/ TRUE COPY /

27/06/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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 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,
SECRETARIAT, CHENNAI-9.

+1. CC to M/S.SATHISH KUMAR K Advocate SR.No.5785

+1. CC to M/s.P.MANIANANTH, Advocate SR.No.5786

ORDER
IN
CRL OP (MD) . Nos.9740
and 9748 of 2022
Date :16/06/2022

SP/JM/SAR IV/27/06/2022/4P/8C