



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

Date : 09.06.2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10037 of 2022

Suresh

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Civil Supplies C.I.D.,
Kuzhithurai,
Kanniyakumari District.
(Crime No.107 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.Sathish Kumar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.107 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.107 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 03.06.2022, the petitioner along with other accused had illegally transported 207 gunny bags of PDS rice. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the property has been recovered. He would further submit that based on the confession statement of the first accused, the petitioner was added as an accused.

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5.Considering the nature of charges levelled against the petitioner and also the fact that the third accused is the owner of the said vehicle and that the petitioner was implicated only on the basis of the confession taken from the first accused, 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.3, Kanniyakumari District.

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.3, Kanniyakumari District, 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 Supreme 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.

sd/-
09/06/2022

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/ /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.3,
KANNIYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID, KUZHITHURAI,
KANNIYAKUMARI 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.SATHISH KUMAR.K, Advocate (SR-5366[I] dated 10/06/2022)

ORDER
IN
CRL OP(MD) No.10037 of 2022
Date :09/06/2022

CSM

<https://hscs.csm/In/Service/06.2022/3P/7C>