



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12140 of 2022

WEB COPY

Gurubalan

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Civil Supplies CID,
Virudhunagar District.
(Crime No. 99 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.99 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged 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.99 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the basis of the secret information, on 26.05.2022, the defacto complainant along with the police officers went to Sattur, Pethireddipatti Vilakku and found that one Lorry bearing Reg.No.TN-09-D-4068 was parked near Venkateswara Paper Mill with load of PDS rice in 300 gunny bags. Each contains 50 kgs. They seized the above said vehicle with 15,000 kgs of PDS rice. Hence, present case has been registered against the 9 persons.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner is only maintaining the Movement Register. He is not involved in the filling of stock. According to him, one Marikarai, Pandi @ Palpandian, Palanisamy, Kasthuri and Thirukannan were granted anticipatory bail by this Court, in Crl.OP(MD)Nos.9740 & 9748 of 2022 dated 16.06.2022. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) the respondent police submitted that the co-accused were released on anticipatory bail by this Court on condition that the petitioners 1 & 2 shall deposit a sum of Rs.1,00,000/- each, petitioners 3 & 4 shall deposit a sum of Rs.75,000/- each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code IOBA0001172). But, that amount was not deposited so far. Only two accused persons have complied the condition.

5. The learned counsel for the petitioner would submit that the petitioner is ready to deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Cr.No.99 of 2022 before the trial Court concerned.

6. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime Number, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Cr.No.99 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

8. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Virudhunagar, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

20/07/2022

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/07/2022

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



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.

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-7459[I] dated
21/07/2022)

ORDER
IN
CRL OP(MD) No.12140 of 2022
Date :20/07/2022

dss
USK/SVR/SAR-I/28.07.2022/3P/6C