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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14371 of 2022

Paramasivam @ Pattamuthu

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Civil Supplies CID,
Tirunelveli
Crime No. 117 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Venkatesh.D,
Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

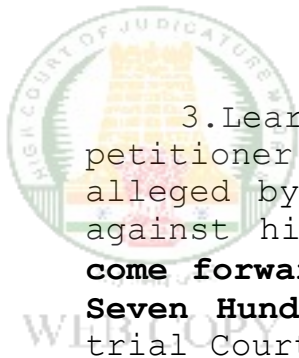
PRAYER :-

For Anticipatory Bail in Crime No. 117 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 punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.117 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other persons had illegally transported 22 bags of PDS Rice (each contains 50 kgs). Hence the complaint.



3. Learned Counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution, but, a false case has been foisted against him. However, to show his **bona fide**, the petitioner has come forward to pay a sum of Rs.40,700/- (Rupees Forty Thousand and Seven Hundred only) to the credit of Cr.No.117 of 2022 before the trial Court concerned.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner said to have illegally transported 22 bags of PDS Rice (each contains 50 kgs), without any permission. He further submitted that no previous case pending against the petitioner herein.

5. Considering the nature of the mineral involved, the antecedents of the petitioner and his willingness to pay a sum of Rs.40,700/- (Rupees Forty Thousand and Seven Hundred only) to the credit of Cr.No.117 of 2022, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.40,700/- (Rupees Forty Thousand and Seven Hundred only) to the credit of Cr.No.117 of 2022 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

7. 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.II, Thirunelveli, 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. The petitioner shall appear before the respondent police once in a month i.e., on first Monday of every English Calendar Month at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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/-

10/08/2022

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/08/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO. II, THIRUNELVELI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI.

3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUNELVELI.

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

+1. CC to M/S. VENKATESH D Advocate SR.No.8366

ORDER

IN

CRL OP(MD) No.14371 of 2022

Date : 10/08/2022

RK/JM/SAR-IV (22/08/2022) 3P/6C