



WEB COPY



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

Date : 05/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.15192 of 2022

Ramesh

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Civil Supplies CID,
Ramanathapuram District.
(Crime No.64 of 2022).

... Respondent/Complainant

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

For Respondent : M/s.M.Aasha
Government Advocate (Crl.Side)

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

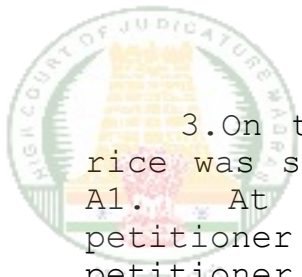
PRAYER :-

For Anticipatory Bail in Crime No.64 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(4) of TNSC (RDCS) Order 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.64 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case against the petitioner is that on 14.04.2022 at about 10AM, the vehicle bearing registration No. KL 04 2745 was met with an accident and it dashed against a two wheeler bearing registration No. TN 65 AH 2668. The vehicle was seized by the police and it was found that the vehicle contains 5 tons (6165 kgs) of ration rice, worth about Rs.34,382/-. Based on the above, the present case is registered.



3. On the side of the petitioner it is stated that the portion of the vehicle was seized from A1 and this petitioner has no connection with A1. A1 was already arrested and released on bail and this petitioner is not having any bad antecedent and prayed the petitioner to be released on anticipatory bail.

WEB COPY

4. On the side of the prosecution it is stated that the petitioner is the owner of the vehicle and based on the confession of A1, this petitioner was impleaded in this case. The driver of the vehicle was released on bail and prayed the petition to be dismissed.

5. It is seen that the driver of the vehicle was already released on bail and only on his confession, this petitioner was impleaded in this case.

6. Considering the nature of the offence, considering that the driver of the vehicle was already released on bail and based on his confession, the petitioner was impleaded in this case, 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.34,832/- (Rupees Thirty Thousand Eight Hundred and Forty Two only) to the credit of Cr.No.64 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 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.II, Ramanathapuram, 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 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;



(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
05/09/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SATHISH KUMAR K Advocate SR.No.9695

ORDER
IN
CRL OP(MD) No.15192 of 2022
Date :05/09/2022