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Crl.O.P.(MD)N



22

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

Date : 15/09/2022

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL OP(MD) . Nos.16565 and 16570 of 2022

|             |                                                                            |
|-------------|----------------------------------------------------------------------------|
| K.Baskaran  | ... Petitioner/Accused Rank Not Known<br>in Crl.O.P. (MD) No.16565 of 2022 |
| S.Malaisamy | ... Petitioner/Accused Rank Not Known<br>in Crl.O.P. (MD) No.16570 of 2022 |

**Vs**

State Rep.by  
The Inspector of Police,  
Uthamapalyam CSCID Police Station,  
Uthamapalayam,  
Theni District  
(Crime No.156 of 2022).

... Respondent/Complainant  
in both petitions

**In both petitions:-**

For Petitioner : M/s.M.Karuppasamy Pandian, Advocate.  
For Respondent : Mr.M.Muthumanikkam,  
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.156 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(i) (a)(ii) of Essential Commodities Act, 1955, in crime No.156 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 31.07.2022, on receipt of secret information, the respondent police conducted a raid at Cumbum Mettu check post and at that time, a vehicle met with an

<https://www.mhc.tn.gov.in/judis>



accident near Cumbum Mettu Kalyani tea shop. The responder conducted an investigation and found out that the vehicle was used for illegally transporting 1800 kgs of PDS rice. Hence, the complaint.

3.On the side of the petitioners, it is stated that the petitioners are innocent and their name did not find place in the First Information Report and prayed the petitioners to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that the petitioners were illegally transporting 1800 kgs of PDS rice and the entire contraband was seized by the respondent police and prayed the petition to be dismissed.

5.Considering the nature of the offence and on considering the above facts and circumstances of the case and also considering the fact that the entire contraband was seized by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, these petitions are allowed and on condition that the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.156 of 2022 before the learned Judicial Magistrate, Uthamapalayam, Theni District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

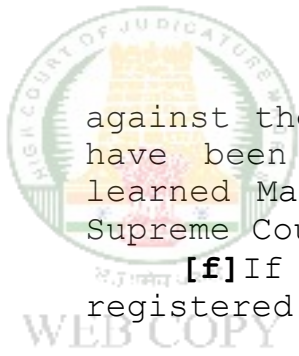
**[a]**the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

**[b]**the petitioners shall report before respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

**[c]**the petitioners shall not tamper with the evidence or witness either during investigation or trial.

**[d]**the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/09/2022

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/09/2022

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, UTHAMAPALAYAM, THENI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, UTHAMAPALAYAM CSCID POLICE STATION,  
UTHAMAPALAYAM, THENI DISTRICT.

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

+2 CC to M/s.M.KARUPPASAMY PANDIAN, Advocate ( SR-10043[I], SR-10044 [I] dated 15/09/2022 )

**ORDER IN**

CRL OP(MD). Nos.16565 and 16570 of 2022  
Date :15/09/2022

SJI

RS/VR/SAR.1 (22.09.2022) 3P-7C