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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.09.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.16703 of 2022

Ramalingam

... Petitioner/2nd Accused

Vs

State represented by
The Inspector of Police,
Civil Supplies Crime Investigation Department,
Trichy.
(Crime No.7 of 2022)

... Respondent/Complainant

For Petitioner : Mr.T.Dhandapani,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.7 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 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.7 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused had illegally transported 40 bags of PDS rice (each contains 50 kgs). 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. No doubt, the petitioner's earlier application for anticipatory bail in CrI.O.P.(MD)No.10128 of 2022 was dismissed by this Court on the ground that the petitioner is having three previous cases for similar offence.

5. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) would submit that the petitioner is having two previous case one in Crime No.95 of 2020 relating to 115 kgs of PDS rice and the second one in Crime No.171 of 2020 relating to 1750 kgs of PDS rice. He would further submit that the first accused was already arrested and released on bail.

6. Considering the above facts and circumstances and the quantity of the PDS rice alleged to have been smuggled and also the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner shall deposit a sum of **Rs.75,000/- (Rupees Seventy Five 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.VI, Trichy.

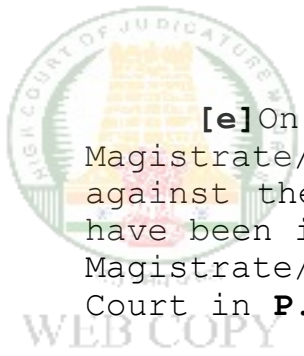
8. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy, on condition that the petitioner 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 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/-

27/09/2022

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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.VI,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES CRIME INVESTIGATION DEPARTMENT, TRICHY.

4 THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMILNADU, SECRETARIAT,
CHENNAI-9.

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

+1 CC to M/s.T.DHANDAPANI, Advocate (SR-10627[I] dated 28/09/2022)

ORDER

IN

CRL OP(MD) No.16703 of 2022

Date : 27/09/2022

CSM

RS/VR/SAR.2(29.09.2022) 3P-7C