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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16575 of 2022

1. Sulaiman @ Sulaiman Sait
2. Muthukaruppu @ Karuppusamy ... Petitioners/Accused 1 & 2

Vs

The State rep.by,
The Inspector of Police,
Civil Supplies Cid, Dindigul,
Crime No.174 of 2022. ... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

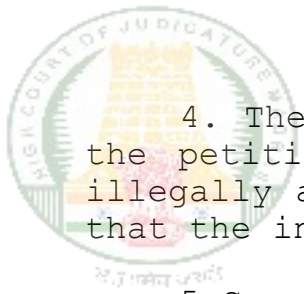
PRAYER :-For Anticipatory Bail in Crime No.174 of 2022 on the file of the respondent Police.

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) TNSC (RDCS), order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.174 of 2022, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was in routine check up, they have seized 32 bags of PDS rice, which was transported by the petitioners illegally. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.



4. The learned Government Advocate (Crl.Side) would submit at the petitioners transported the PDS rice worth about Rs.7,232/- illegally and the same has been recovered. He would further submit that the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Dindigul, 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 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 petitioners are directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to the India Association for Blind, Alagar Kovil Road, Sundararajanpatti, Madurai, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

b) 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(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]**; and;



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

sd/-
21/09/2022

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/09/2022

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

TO

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

COPY TO:
THE OFFICER INCHARGE,
INDIA ASSOCIATION FOR BLIND,
ALAGAR KOVIL ROAD,
SUNDARARAJANPATTI, MADURAI.

+1 CC to M/s.M/S.LENIN KUMAR.T, Advocate (SR-10346[I] dated
22/09/2022)

ORDER
IN
CRL OP(MD) No.16575 of 2022
Date :21/09/2022

TRP
MK/SBN/SAR.I/27.09.2022/3P/7C