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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2022

PRESENT

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

CRL OP(MD) . No.17160 of 2022

1. Ubesh
2. Ramar

... Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
CSCID, Madurai,
Madurai District.
(In Crime No.190/2022).

... Respondent/Complainant

For Petitioners : M/s.Balaji.A, 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.190/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending 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 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.190 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.09.2022, the respondent Police team conducted a vehicle checkup and from the accused persons they found 4500kgs of PDS rice, worth about Rs.25,425/-, without valid permit. Hence, the complaint.



3. On the side of the petitioners, it is stated that the petitioners are arrayed as A1, A2, who are the vehicle owner and driver respectively. The petitioners are noway connected to this case. A false case was foisted against the petitioners and prayed to release them on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioners are not having any bad antecedent at their credit. The accused persons were found in possession of PDS rice, which is meant for public distribution and prayed to dismiss the petition.

5. Considering the facts and circumstances of the case and considering the overt act attributed against the petitioners and also the fact that the petitioners are not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners shall deposit a sum of **Rs.3,000/- (Rupees Three Thousand only) each to the credit of the Dispensary, Madurai Bench of Madras High Court, Madurai, A/c No.6960810645, Indian Bank, Madurai Bench of Madras High Court, Madurai.**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.III, Madurai, 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 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 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]**; and;

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

Sd/-
26/09/2022

/ 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.III
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CSCID, MADURAI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE DISPENSARY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.BALAJI.A Advocate SR.No.10600

ORDER
IN
CRL OP(MD) No.17160 of 2022
Date :26/09/2022