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

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.18054 of 2022

Ramajayam ... Petitioner/Accused No.3

Vs

State rep.by
The Inspector of Police,
CSCID Madurai,
Sivagangai Police Station,
Sivagangai District.
(Crime No.36 of 2022). ... Respondent/Complainant

For Petitioner : Mr,K.Chellapandi, Advocate

For Respondent : B.Nambiselvan,
Additional Public Prosecutor

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

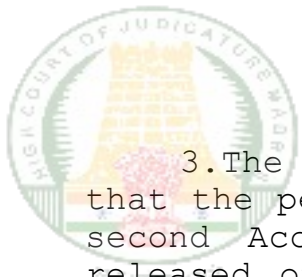
PRAYER :-

For Anticipatory Bail in Crime No.36 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) and 7(i)(a)(ii) of the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Act 1982, in Crime No.36 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 15.03.2022, the petitioner along with two other accused transported 97 bags (3619 kgs) of PDS rice without having valid documents. Therefore, the respondent police registered a case in Crime No.36 of 2022, for the aforesaid offences.



3.The learned counsel appearing for the petitioner would submit that the petitioner is a coolie worker and he was working under the second Accused. Accused Nos.1 and 2 were already arrested and released on bail. He further submits that the petitioner has been falsely roped as an accused in this case. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition stating that the petitioner is having one previous case.

5.Considering the above facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Sivagangai, Sivagangai District, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of **Aishwaryam Trust, (A/c. No.6639017788, IFSC Code: IDIB000T032, Indian Bank, Thirunagar Branch, Madurai)** within a period of two weeks without prejudice to his rights and contentions before the trial Court. The petitioner shall execute the sureties on showing the receipt of the said amount.

(c) the petitioner shall report before the respondent police once in a week i.e., on every Wednesday at 10.30 a.m., for a period of six weeks, and thereafter, as and when required for interrogation.

(d)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;

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

Sd/-
07/10/2022

/ TRUE COPY /

/10/2022

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

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TO

1. THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI, SIVAGANGAI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CSCID MADURAI,
SIVAGANGAI POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, AISHWARYAM TRUST,
AMIRTHA BHAVAN, K.V.NAGAR 1ST STREET,
MAHALAKSHMI NAGAR, K.PUDUR, MADURAI.

ORDER
IN
CRL OP(MD) No.18054 of 2022
Date :07/10/2022