



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

Date : 20/01/2022

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.19326 of 2021

Kannan ... Petitioner/Accused
(Rank Not Known)

Vs

The State Rep.by
The Inspector of Police,
Civil Supplies C.I.D.,
Thoothukudi.
Crime No.83 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar, Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No. 83 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Clause 6 (4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)ii) of Essential Commodities Act, 1955, in Crime No.83 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally stocked 52 sacks of boiled ration rice and 70 sacks of broken ration rice. Therefore, the present case came to be registered based on the complaint given by the Taluk Supply Officer.

3.The learned counsel appearing for the petitioner submitted that without prejudice to his defence, the petitioner has also donated 50 chairs, 10 steel cots, 1 office table and 1 "S" type chair worth about Rs.1,00,000/- to Mentally Ill Home run by Active Minds Trust situated at Semaputhur, Kovilpatti Taluk, Thoothukudi District on 20.12.2021, to that effect and he has also enclosed the tax invoice dated 19.12.2021 issued by the Furniture Shop. The said fact also has been conformed by the learned Government Advocate



4. Heard the learned Government Advocate (Crl.side) appearing for the respondent police.

5. Considering the facts and the circumstance of this case and the petitioner has spent a sum of Rs.1,00,000/- to Mentally Ill Home run by Active Minds Trust, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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 No.I, Thoothukudi, 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 his identity.

[b] the petitioner shall report before respondent police 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/01/2022

/ TRUE COPY /

/ /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.

WEB COPY

TO

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

ORDER

IN

CRL OP(MD) No.19326 of 2021

Date :20/01/2022

VJI

MS/JM/SAR-1/02.02.2022/3P.5C