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CRL OP(MD). N



22

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

Date : 28/10/2022

PRESENT

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

CRL OP(MD) . No.19143 of 2022

Pechimuthu

... Petitioner/4th Accused

Vs

The State represented by
The Inspector of Police,
Civil Supplies CID, Virudhunagar,
Crime No. 225 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,

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. 225 of 2022 on the file of the respondent Police.

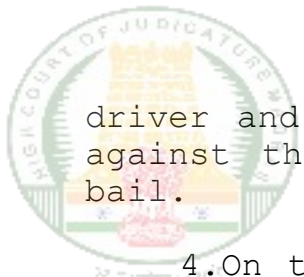
ORDER : The Court made the following order :-

The petitioner/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.225 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 21.10.2022, the respondent Police team conducted a vehicle checkup and found that the accused persons were found in illegal possession of 120 bags of PDS rice (each 50 kgs), worth about Rs.1,20,000/-. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is arrayed as A4 in this case. Based on the confession of co-accused, he was impleaded in this case. The petitioner is a

<https://www.fmhctg.org.in/judis>



driver and noway connected to this case. A false case was filed against the petitioner and prayed to release him on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioner is not having any bad antecedent at his 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 also considering the fact that the petitioner is not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Mediation and Conciliation Centre, Madurai Bench of Madras High Court, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt, 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 Judicial Magistrate No.I, Virudhunagar, 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 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 Aadhar card or Bank pass Book to ensure their identity;

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

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

(d) the petitioner 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 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;



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

sd/-
28/10/2022

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/11/2022

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

TO

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

COPY TO:

THE COORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (SOFT COPY)

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.12105

ORDER
IN
CRL OP(MD) No.19143 of 2022
Date :28/10/2022

SS/SSS/SAR II/03/11/2022/ 3P 7C