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

Date : 02/11/2022

PRESENT

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

CRL OP (MD) . No.19368 of 2022

Pandiammal

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Civil Supplies CID,
Virudhunagar District.
(in Crime No.225/2022)

... Respondent/Complainant

For Petitioner : M/s.Sathish Kumar K, 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.225/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, 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 22.10.2022, the respondent Police team conducted a vehicle checkup and found that the accused persons were found in illegal possession of 6000 Kg of PDS rice worth about Rs.33,900/-. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is arrayed as A2 in this case. Based on the confession of co-accused, he was impleaded in this case. A3, A5 & A6 were arrested and remanded to custody. Thereafter, released on bail. A4 was granted anticipatory bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that totally 6 accused are involved in this case. The petitioner was arrayed as A2. The accused persons were found in illegal possession of 6000 Kg of PDS rice worth about Rs.33,000/-, which is meant for public distribution. A3, A5 & A6 were arrested and thereafter, released on bail. A4 was granted anticipatory bail by this Court. But, however, the investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that co-accused were already released on bail, 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 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, 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 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



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

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Sd/-
02/11/2022

/11/2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.SATHISH KUMAR K Advocate SR.No.12368

ORDER
IN
CRL OP(MD) No.19368 of 2022
Date :02/11/2022

SP/TR/SAR III/10/11/2022/3P/6C

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