



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

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PRESENT

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

CRL OP(MD). No.20166 of 2022

S.Balasubramanian ... Petitioner/Accused Rank not mentioned

Vs

The State represented by
The Inspector of Police,
Virudhunagar Police Station, Cscid-
Virudhunagar,
Virudhunagar District
(Crime No.10 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Gokul K,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

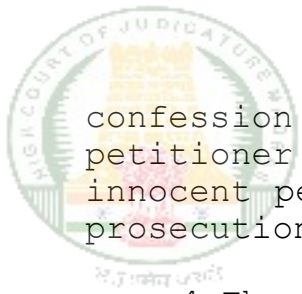
For Anticipatory Bail in Crime No.10 of 2022 on the file of the Respondent Police.

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) and 7(1)(a)(ii) of Tamil Nadu Scheduled Commodities (RDCS) order 1982 Essential Commodities Act, 1955, in Crime No.10 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.01.2022, based on the secret information, the respondent police was patrol on Namaskarithanpatti Village in private shed and seized one Mahindra Bolero Maxi bearing Registration No.TN-84-X0496 and found that the accused was in illegal possession of 3491 kgs of PDS rice. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
<https://www.courtindia.org> was not present at the scene of occurrence. Based on the



confession statement of the Driver of the vehicle al the petitioner arrayed as accused. Further, the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that the accused was found in illegal possession of PDS rice, which is meant for public distribution. He would further submit that the petitioner is not having any previous case at his credit and the investigation in this case is not yet completed.

5.Considering the facts and circumstances of the case and considering the nature of offence levelled against the petitioner and also the fact that the petitioner is not having any bad antecedents, 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.3,000/- (Rupees Three Thousand only) to the credit of Dispensary, Madurai Bench of Madras High Court operated by the Registrar (Admin), (Account No:- 6960810645, IFSC Code:- IDIB000H040, Indian Bank)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Virudhunagar.

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 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 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 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.

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sd/-
15/11/2022

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

COPY TO:

- 1 THE OFFICER INCHARGE,
DISPENSARY, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 2 THE REGISTRAR (ADMIN)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 3 THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.GOKUL K Advocate SR.No.13119

ORDER
IN
CRL OP(MD) No.20166 of 2022
Date :15/11/2022

SS/VR/SAR /24.11.2022/ 3P/ 9C