



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/11/2022

PRESENT

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

CRL OP (MD) . No.19726 of 2022

Arumuga Nayinar

... Petitioner/1st Accused

Vs

State rep.by
The Inspector of Police,
Civil Supplies Cid,
Tirunelveli District.
(Crime No.320 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sathish Kumar K, Advocate.

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

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

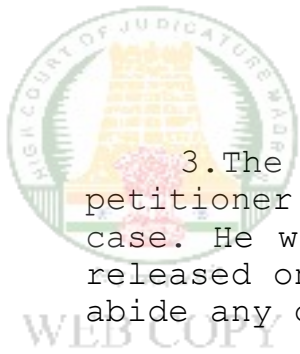
PRAYER :-

For Anticipatory Bail in Crime No.320 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-1, who apprehends arrest at the hands of the respondent police for the offences punishable under clause 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.320 of 2022 in Crime No.350 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, on 02.11.2022, the respondent police went the place of occurrence and found that 1500 Kgs of PDS rice in 30 bags were stored in a Godown. On enquiry, it revealed that the petitioner is the owner of the said Godown. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused were arrested and released on bail. He would further submit that the petitioner shall abide any condition imposed by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is having 1500 kgs of PDS rice, which is worth about Rs.8475/-. He would further submit that the petitioner is having three previous cases. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and also considering the fact that the co-accused were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.1,000/- (Rupees one Thousand only) to the credit of Madurai Bench High Court Advocates Association (MBHAA) [Indian Bank A/c No.496038755, IFSC No.IDIB000H040]**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Tirunelveli.

7.On production of such receipt, 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.II, Tirunelveli, 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 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 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.

Sd/-
08/11/2022

/ TRUE COPY /

/11/2022

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

skn

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.II,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATES ASSOCIATION (MBHAA)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19726 of 2022
Date :08/11/2022