



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

Date : 17/11/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20393 of 2022

1. Deventhiran,

2. Ramalingam,

... Petitioners/Accused Nos. 1 & 3

Vs

State Rep.by
The Inspector of Police,
Madurai CSCID Police Station,
Thanjavur District.
Crime No.93 of 2022..

... Respondent/Complainant

For Petitioners : M/s.Karunakaran K M, Advocate.

For Respondent : Mr.Ss.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.93 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos. 1 & 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 6(4) of TNSC (RDCS) and Section 7(1)(a)(ii) of Essential Commodities Act, in Crime No.93 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on a secret information, the police team was on surveillance near Vallam Muniandavar Temple, on search, a lorry bearing registration No.TN-28-AB-2829 was found loaded with PDS rice. On seeing the police party, three persons tried to escape from that place. Other two vehicles namely Mahindra bearing registration Nos. TN-49-AR-8475 and TN-49-BL-8220 were also found containing PDS rice. Among three persons, two escaped from that place and one was arrested on the spot and he gave confession, implicating Devanddran and Ramalingam. Based upon which, the case

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3.The learned counsel for the petitioners submitted that this is the second application for anticipatory bail. The earlier anticipatory bail Petition filed by the petitioners in Crl.OP(MD) No.9903 of 2022 was dismissed on 30.06.2022 on the ground that custodial interrogation of the petitioners is very much necessary. Now, this application is filed by the petitioners, on the ground that after lapse of five months no progress has been made by the respondent police and no steps have been taken to secure the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioners said to have illegally transported PDS rice and PDS rice is intended for public distribution to the poor people. He further submitted that two previous cases are pending against the first petitioner and no previous case pending against the second petitioner herein.

5.In view of the antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed insofar as the first petitioner is concerned.

6. Considering the facts and the circumstance of this case and also the fact that the second petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the second petitioner.

7.Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate No.2, Thanjavur, and on his executing 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 the second petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The second petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

17/11/2022

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/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.

3 THE INSPECTOR OF POLICE
MADURAI CSCID POLICE STATION,
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-13199[I] dated 17/11/2022

ORDER

IN

CRL OP(MD) No.20393 of 2022

Date :17/11/2022

tta

PKP/BUC/SAR-1/28.11.2022/3P/6C