



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

Date : 09/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.19767 of 2022

Thatchinamoorthy

... Petitioner/2<sup>nd</sup> Accused

Vs

The State Rep. By,  
The Inspector of Police,  
Civil Supplies C.I.D.,  
Madurai District.  
Crime No.231 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,  
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.231 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, 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 and r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.231 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 04.11.2022, the respondent Police team conducted a checkup and found that the accused were in illegal possession of 8000 kgs of PDS rice and 6000 Kgs of broken rice, worth about Rs.79,100/-. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is the second accused. The petitioner is noway connected to this case. A false case was foisted against the petitioner and prayed to release him on anticipatory bail.

4.On the side of prosecution, it is stated that the first accused was arrested and he is still in judicial custody. The



accused was found in possession of PDS rice, which is not for public distribution and prayed to dismiss the petition.

5. Considering the facts and circumstances of the case and also considering the nature of offence levelled against the petitioner, 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.8,000/- (Rupees Eight Thousand only)** to the Mediation and Conciliation Centre Attached to the 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.III, Madurai, 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 FIR can be registered under Section 229-A IPC.

sd/-

09/11/2022

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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.III,  
MADURAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,  
CIVIL SUPPLIES C.I.D.,  
MADURAI DISTRICT.

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

COPY TO :

THE CO-ORDINATOR,  
MEDIATION AND CONCILIATION CENTRE,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate ( SR-12754[I] dated  
10/11/2022 )

ORDER

IN

CRL OP(MD) No.19767 of 2022

Date :09/11/2022

TTA

USK/SSS/SAR-IV/16.11.2022/3P/7C