



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/11/2022

PRESENT

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

CRL OP(MD). No.20137 of 2022

WEB COPY

1. Murugan

2. Sathish @ Sathisan ... Petitioners/Accused No.1&2
Vs

The State rep.by,
The Inspector of Police,
Civil Supplies CID,
Tirunelveli.
(Crime No.266/2022).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T, 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.266/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1&2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) Order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Cr.No.266 of 2022, seek anticipatory bail.

2.The case of the prosecution is that when the respondent police on surveillance, a Ashok Leyland Lorry bearing Reg.No.KL-04-AC-8949 was found to be loaded with 23 bags of PDS rice (each contains 50kgs). Hence, the present complaint.

3.The learned counsel for the petitioners would submit that that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) strongly opposed this petition stating that a Ashok Leyland Lorry bearing Reg.No.KL-04-AC-8949 was found to be loaded with 1076 kg of PDS rice worth



about Rs.6,079/-. The petitioners are not having previous investigation is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that no bad antecedent is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioners shall pay a sum of **Rs.1,000/- (Rupees One Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040)**, without prejudice to their 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 petitioners are ordered to be released on bail in the event of arrest or on their 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 petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/11/2022

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/11/2022

Sub-Assistant Registrar (C.S.)
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.II,
TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE OFFICER IN CHARGE,
MADRAS HIGH COURT MADURAI BENCH,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI-625 023

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13009[I] dated 15/11/2022)

ORDER

IN

CRL OP(MD) No.20137 of 2022

Date :14/11/2022

RK/VR/SAR- (24/11/2022) 3P/7C

<https://www.mhc.tn.gov.in/judis>