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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD). No.20470 of 2022

1. Riyo

2. Rajaselvam ... Petitioners/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Civil Supplies CID,
Tirunelveli.
(Crime No.262/2022).

... 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

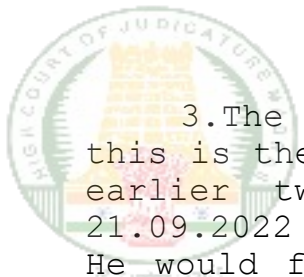
PRAYER :-

For Anticipatory Bail in Crime No.262/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.262 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have transported 260 bags of PDS rice (each contains 50 kgs) illegally by using Lorry bearing Registration No.TN-75-AU-9306. Hence the complaint.



3.The learned counsel for the petitioners would submit at this is the petitioners' third anticipatory bail application and the earlier two applications were dismissed by this Court, dated 21.09.2022 and 29.09.2022 in Crl.O.P(MD)Nos.16919 and 17450 of 2022. He would further submit that based on the confession statement of the co-accused, the petitioners have been arrayed as accused in this case and the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the co-accused was already released on bail by the trial Court petitioners shall abide any condition imposed by this Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners have illegally transported 260 bags of PDS rice (each contains 50 kgs) worth about Rs.73,450/- and they are having four similar previous cases. He would further submit that the petitioners' earlier two applications were dismissed by this Court, dated 21.09.2022 and 29.09.2022 in Crl.O.P(MD)Nos.16919 and 17450 of 2022. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

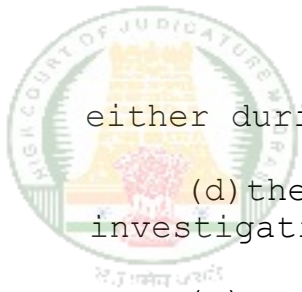
6.Accordingly, the petitioners shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of Government Rajaji Hospital, Madurai (Indian Bank, Tallakulam (233) Branch, CIF No:30418657357, IFSC Code: IDIB000T003, MICR Code: 625019008, A/c No:7097546149) for the purpose of constructing Cancer Institute,** 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 petitioner are 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 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/-

18/11/2022

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

SJI

TO

1. The Judicial Magistrate No.II, Tirunelveli.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Civil Supplies CID, Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

**The Dean,
Government Rajaji Hospital, Madurai**

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13364[I] dated 21/11/2022)

ORDER

IN

CRL OP(MD) No.20470 of 2022

Date :18/11/2022

RD/BUC/SAR-I (28/11/2022) 3P 7C

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