



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

Date : 18/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.20464 of 2022

Thirumurgan

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
CSCID, Sivagangai District.
Cr.No.122/2022.

... Respondent/Complainant

For Petitioner : M/s.Kannan V,
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.122/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 6 (4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 and Section 7(1)(a)(11) of Essential Commodities Act, 1955, in Cr.No.122 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has illegally transported 1440kgs of PDS rice. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier moved anticipatory bail before the Principal Sessions Judge, Sivagangai in Crl.M.P.NO.4197 of 2022 and the same was allowed on 23.09.2022 on condition to deposit Rs.1,00,000/- towards security and surrendering before the learned Judicial Magistrate No.I, Sivagangai on or before 08.11.2022. He would



further submit that since the petitioner was not in a position to arrange the money as per the order dated 23.09.2022 within 08.11.2022, the anticipatory bail stood cancelled. Hence, the petitioner is constrained to file the present petition.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner has illegally transported 1440kgs of PDS rice worth about Rs.11,000/-. He would also submit that the entire contraband was seized by the respondent police and the petitioner is having no previous case. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the entire contraband was seized by the respondent police and the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.3,000/- (Rupees Three Thousand only) to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Sivagangai.

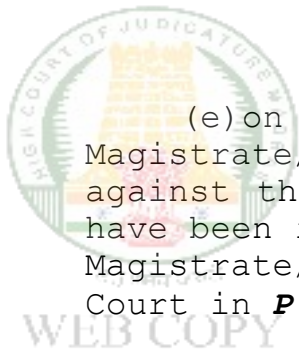
7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sivagangai, on condition that the petitioner 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 learned Magistrate may obtain a copy of their Aadhaar 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 the 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 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/11/2022

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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.I,
SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CSCID, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR, MADURAI.

+1 CC to M/s.V.KANNAN, Advocate (SR-13314[I] dated 18/11/2022)

ORDER
IN
CRL OP(MD) No.20464 of 2022
Date :18/11/2022

sjj
USK/VR/SAR-II/29.11.2022/3P/7C