



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

Date : 18/11/2022

PRESENT

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

CRL OP(MD) . No.20463 of 2022

1. Kannan
2. Selvam @ Pandiselvam ... Petitioners/Accused 1&2

Vs

The State Rep. By,
The Inspector of Police,
Civil Supplies CID,
Dindigul.
Cr.No.227/2022.

... 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.227/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, 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.227 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 15.11.2022, when the respondent police was on surveillance to unearth smuggling of scheduled commodities, a Mahindra Bolero Pickup bearing Registration No.TN-59-CV-7363 was found to be loaded with 35 bags of rice (each contains 40 kgs). The accused had purchased the PDS rice from the card holders with an intention to transport the same. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that the petitioner is innocent and only based on the confession statement of the co-accused, they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court. Hence, he seeks anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioners along with A3 said to have illegally transported 1400kgs of PDS rice worth about Rs.10,500/-. He would also submit that the entire contraband was seized by the respondent police and the petitioners are having no previous case. However, considering the gravity of offence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the nature of offence and also the facts that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.2,000/- (Rupees Two 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 their rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate No.III, Dindigul.

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.III, Dindigul, 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/-
18/11/2022

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/ TRUE COPY /

/11/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.III,
DINDIGUL.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
DINDIGUL.
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.T.LENIN KUMAR, Advocate (SR-13363[I] dated
21/11/2022)

ORDER
IN
CRL OP(MD) No.20463 of 2022
Date :18/11/2022

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