



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.20477 of 2022

1.Suresh
2.Manikandan

... Petitioners/Accused No.2 & A3

Vs

The State Rep.by
The Inspector of Police,
CSCID Unit,
Tirunelveli Police Station,
Madurai District.
Crime No.336 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,
Advocate.

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

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

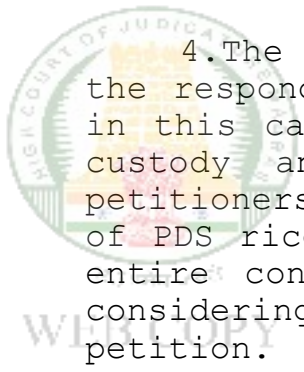
PRAYER :-For Anticipatory Bail in Crime No.336 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 r/w 7(1)(a) (ii) of Essential Commodities Act, 1955, in Crime No.336 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused have transported 3500kgs of PDS rice illegally. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents 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) appeared for the respondent would submit that there are three accused named in this case and A1 was already arrested and remanded to judicial custody and the petitioners are arrayed as A2 and A3. The petitioners along with A1 said to have illegally transported 3500kgs of PDS rice worth about Rs.19,775/-. He would also submit that the entire contraband was seized by the respondent police. 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, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.4,000/- (Rupees Four Thousand only) to the credit of Annai Sathya Ammaiyyar Memorial Government Home for Destitute Children, Dr.Thangaraj Colony, K.K.Nagar, Madurai-625 020 (CIF No.89263656176, IFSC No: SBIN0007922, State Bank of India, A/c No.37487255860) Phone No.2529809**, without prejudice to their rights and contentions before the trial Court and produce the receipt 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**

55601; and;

<https://www.tnmc.in.gov.in/judis>



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(f) if the accused thereafter abscond, a fresh FIR be registered under Section 229-A IPC.



sd/-
18/11/2022

/ TRUE COPY /

/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CSCID UNIT, TIRUNELVELI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ANNAI SATHYA AMMAIYAR MEMORIAL GOVERNMENT HOME
FOR DESTITUTE CHILDREN,
DR.THANGARAJ COLONY, K.K.NAGAR,
MADURAI-625 020

ORDER
IN
CRL OP(MD) No.20477 of 2022
Date :18/11/2022

SJI
ED/SSS/SAR 2/30.11.2022/3P/6C