



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

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PRESENT

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

CRL OP(MD). No.20501 of 2022

Nehru

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
CSCID, Madurai,
Madurai District.
Crime No.242 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balaji A,
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.242 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 6(4) of the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Call System) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.242 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have illegally transported 8250kgs of PDS Rice, worth about Rs.47,000/-. Hence, the present complaint.

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



4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner along with other accused said to have illegally transported 8250kgs of PDS rice worth about Rs.47,000/-. 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 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 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.5,000/- (Rupees Five Thousand only) to the Madurai Bench of Madras High Court Dispensary operated by the Registrar (Admin) (Account No:- 6960810645, IFSC Code:- IDIB000H040, Indian Bank Madurai)**, without prejudice to their rights and contentions before the trial Court and produce the receipt before the learned Judicial Magistrate No.III, Madurai.

7.On production of such receipt, the petitioner is 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.III, Madurai, 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 Magistrate may obtain a copy of their Aadhar 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 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 learned 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 Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

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sd/-
18/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.III, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
CSCID, MADURAI,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

1. THE REGISTRAR (ADMIN),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE SECTION OFFICER,
ACCOUNTS SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
3. THE OFFICER IN CHARGE,
DISPENSARY,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-13448[I] dated 22/11/2022)

ORDER
IN
CRL OP(MD) No.20501 of 2022
Date :18/11/2022

RK/VR/SAR-1(28/11/2022) 3P/9C

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