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

Date : 21/11/2022

PRESENT

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

CRL OP(MD) . No.20556 of 2022

Prabhu

... Petitioner/1st Accused

Vs

State rep.by
The Inspector of Police,
Civil Supplies CID,
Madurai.
(Crime No.245 of 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.245 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/1st Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Clause 6 (2)(3)(4) of TNSC(RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.245 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 36 bags of PDS rice (each contains 50 kgs) . Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Further, the petitioner shall ready to abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioner and other accused have illegally transported 1800 kgs of PDS rice worth about Rs.10,170/-. He would further submit that the entire contraband was seized by the respondent police and the petitioner is not having any previous case. However, considering the gravity of offence and investigation in this case is not yet completed, 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, this Criminal Original Petition is allowed and the petitioner shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) to the credit of Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment 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 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 respondent Police or to the Police Officer, who intends to arrest or 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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 Supreme 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/-
21/11/2022

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/11/2022

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

cp

TO

1. THE JUDICIAL MAGISTRATE NO.III
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D., MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE, INDIAN ASSOCIATION FOR
THE BLIND, ALAGAR KOVIL ROAD,
SUNDARARAJANPATTI, MADURAI.

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.13464

ORDER
IN
CRL OP(MD) No.20556 of 2022
Date :21/11/2022