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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.20561 of 2022

1. Kathirvel
2. Vairam
3. Mohan Kumar

... Petitioners/Accused
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Civil Supplies CID,
Madurai.
(in Crime No.94/2022)

... Respondent/Complainant

For Petitioners : 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.94/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Clause 6(2)(3)(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.94 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported 486 bags of broken rice (each contains 50 kgs) and 540 bags of rice (each contains 50 kgs). Hence, the present complaint.



3.The learned counsel for the petitioners would submit that the first petitioner is the owner of the rice mill and the petitioners 2 and 3 are owners of the lorries. The first petitioner stored the broken rice for transporting to poultry firm and the seized rice is not fit for human consumption. He would further submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioners and other accused have illegally transported 486 bags of broken rice (each contains 50 kgs) and 540 bags of rice (each contains 50 kgs) worth about Rs.2,89,840/-. He would further submit that the entire contraband was seized by the respondent police. The first petitioner is having one previous case and other petitioners are not having any previous case and investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the fact that the entire contraband was seized by the respondent police, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the Mediation and Conciliation Centre, attached to the Madurai Bench of Madras High Court, 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 petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period 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. District, 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 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 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 a.m., 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/-

21/11/2022

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

cp

TO

1. THE JUDICIAL MAGISTRATE NO.III,
MADURAI DISTRICT.
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 CO-ORDINATOR,
MEDIATION AND CONCILIATION CENTRE,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (SOFT COPY)

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.13463

ORDER

IN

CRL OP(MD) No.20561 of 2022

Date : 21/11/2022