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CRL OP(MD). N



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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.20564 of 2022

Suresh Kumar

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Civil Supplies CID,
Tirunelveli District.
In Crime No.320 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Anandan B,
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.320/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.320 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally transported 1500 kgs of PDS rice. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the lease-holder of the godown and he stored only the Cow-feed things. Based on the confession statement of the first accused, the petitioner was falsely implicated in this case. He would further submit that the petitioner is an innocent person and

<https://www.mhc.gov.in/judic>



Further, the first accused was granted anticipatory bail 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 1500kgs of PDS rice worth about Rs.8,400/-. He would further submit that the entire contraband was seized by the respondent police and the co-accused was already granted anticipatory bail by this Court. 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 co-accused was granted anticipatory bail, 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.1,000/- (Rupees One Thousand only)** to the credit of **Women Advocates Association, Madurai Bench of Madras High Court (Account No:-770357420, IFSC Code:-IDIB000H040, Indian Bank)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Tirunelveli.

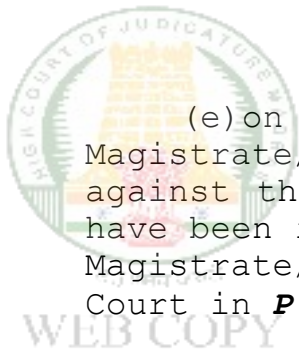
7. On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tirunelveli, on condition that the petitioner shall 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.

sd/-
21/11/2022

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/12/2022

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

CP

TO

1.THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUNELVELI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE OFFICER IN CHARGE,
WOMEN ADVOCATES ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate (SR-13423[I] dated 22/11/2022)

ORDER
IN
CRL OP(MD) No.20564 of 2022
Date :21/11/2022

RK/VR/SAR-2 (01/12/2022) 3P/7C