



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20691 of 2022

1. Prabhu,

2. Shanmugam, ... Petitioners/Accused Rank Not known

Vs

State Rep.by
The Sub Inspector of Police,
Cscid, Karur,
Karur District.
(Crime No.142 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Gokulraj S, 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.142 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 (4) of TN Scheduled Commodities (RDCS) Order, 1982 r/w 7(1) of Essential Commodities Act, 1955, in Crime No.142 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused have illegally transported 3,000 kgs of PDS rice. Hence, the present complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they did not commit any offence as alleged by the prosecution. Further, the petitioners shall ready to



abide any condition imposed by this Court. Hence, they 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 3,000 kgs of PDS rice worth about Rs.16,950/-. He would further submit that the entire contraband was seized by the respondent police and the petitioners are 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 petitioners are 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.3,000/- (Rupees Three Thousand only)** to the credit of **Claretian Mercy Home, Azhagusirai, Ponnammangalam (post) Thirumangalam Taluk, Madurai District, (Phone Nos. 04549-294901 & 8098672866)**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Karur, Karur District.

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 of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Karur, Karur 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/-
23/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

COPY TO

THE OFFICER INCHARGE
CLARETIAN MERCHY HOME, AZHAGUSIRAI,
PONNAMANGALAM POST,
THIRUMANGALAM TALUK,
MADURAI DISTRICT.
PHONE NOS. 04549-294901 & 8098672866

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-13516[I] dated 23/11/2022)
ORDER
IN
CRL OP(MD) No.20691 of 2022
Date :23/11/2022

CP

PKP/VR/SAR-4/07.12.2022/3P/7C

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