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

Date : 24/11/2022

PRESENT

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

CRL OP (MD) . No.20765 of 2022

Ananthan

... Petitioner/1st Accused

Vs

State rep.by
The Sub Inspector of Police,
CSCID, Karur, Karur District,
(Crime No.142/2022).

... Respondent/Complainant

For Petitioner : M/s.Vigneswaran V.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.142/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, 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)(a)(ii) of Essential Commodities Act, 1955, in Crime No.142 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the *defacto* complainant and his party have seized 3000 Kg of PDS rice worth about Rs.16,950/-. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



case. He would further submit that the co-accused (A2 & A3, were already granted anticipatory bail by this Court, in Crl.OP(MD) No.20691 of 2022 and no previous case is pending against the petitioner. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and the other accused were found in illegal possession 3000 Kg of PDS rice worth about Rs.16,950/-. He would further submit that the co-accused were granted anticipatory bail by this Court and no previous case is pending against the petitioner. However, the 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 facts that the co-accused were granted anticipatory bail by this Court and no bad antecedent is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.3,000/- (Rupees Three Thousand only) to the credit of Annai Sathya Ammaiya Memorial Government Home for Destitute Children, Dr.Thangaraj Colony, K.K.Nagar, Madurai-625 020 (CIF No.89263656176, IFSC No: SBIN0007922, A/c No.37487255860) Phone No.2529809**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.I, Karur, Karur District.

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.I, Karur, Karur District, 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 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/-
24/11/2022

/ TRUE COPY /

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

DSS

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, ANNAI SATHYA AMMAIYAR
MEMORIAL GOVERNMENT HOME FOR DESTITUTE
CHILDREN, DR.THANGARAJ COLONY, K.K.NAGAR,
MADURAI-625 020.

+1. CC to M/S.GOKULRAJ S Advocate SR.No.13661

ORDER
IN
CRL OP(MD) No.20765 of 2022
Date :24/11/2022