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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

PRESENT

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

CRL OP(MD). No.20862 of 2022

1. Kalaignar @ Kalinger

2. Murugan

... Petitioners/1st and 6th Accused
Vs

The State rep.by,
The Inspector of Police,
CSCID, Tirunelveli,
Tirunelveli District.
(Crime No.326 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Poornachandran 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.326 of 2022 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 6, who apprehends arrest at the
hands of the respondent police for the offences punishable under
Sections 6(4) of TN Scheduled Commodities (RDSCS) Order, 1982 r/w 7
(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.326
of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other
accused have illegally transported 13,750 kgs of PDS rice. Hence,
the present complaint.

3.The learned counsel for the petitioners would submit that
based on the confession statement of the co-accused, the petitioners
have been impleaded in this case and no recovery has been made from
the petitioners. He would further 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 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 13,750 kgs of PDS rice worth about Rs.3,90,000/-. He would further submit that the entire contraband was seized by the respondent police and A2, A3, A7 and A8 were arrested and they are still in judicial custody and the first petitioner is having six previous cases. Further, 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 considering the nature of offence and also the fact that the entire contraband was seized by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the first petitioner shall deposit a sum of **Rs.40,000/- (Rupees Forty Thousand only)** and the second petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of **Government Rajaji Hospital, Madurai (Indian Bank, Tallakulam (233) Branch, CIF No:30418657357, IFSC Code: IDIB000T003, MICR Code: 625019008, A/c No:7097546149)** for the purpose of constructing **Cancer Institute**, without prejudice to their 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 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.II, Tirunelveli, 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/-

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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,
CSCID, TIRUNELVELI,
TIRUNELVELI DISTRICT.

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

COPY TO

THE OFFICER IN CHARGE,
GOVERNMENT RAJAJI HOSPITAL, MADURAI.

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-13830[I] dated 28/11/2022)

ORDER

IN

CRL OP(MD) No.20862 of 2022

Date :25/11/2022

RK/BUC/SAR-4 (06/12/2022) 3P/7C