



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.21149 of 2022

1.Balamurugan,

2.Mani,

... Petitioners/Accused Nos.2 and 3

Vs

State Rep.by  
The Inspector of Police,  
CSCID Unit,  
Tirunelveli Police Station,  
Madurai.

(Crime No. 34 of 2022).

... Respondent/Complainant

For Petitioners: M/s.Susi Kumar C, 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. 34 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 and 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) order 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.34 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 02.02.2022, the respondent Police team conducted a vehicle checkup, at that time,



they found that the accused have illegally transported 350 kg of PDS rice. Hence, the present complaint.

3. On the side of the petitioners, it is stated that the petitioners are arrayed as A2 and A3. The petitioners are no way connected to this case and a false case was foisted against the petitioners. Hence, they may be granted anticipatory bail.

4. On the side of prosecution, it is stated that the accused persons were found in possession of PDS rice, which is meant for public distribution. Further, the petitioners are having two previous cases, which are similar in nature and investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and considering the overt act attributed against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) each, to the Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai,** 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/acknowledgment, 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 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:

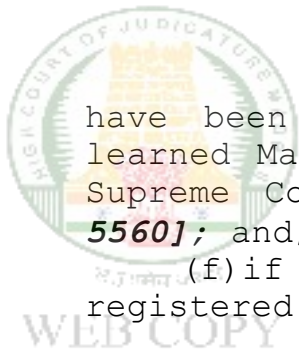
a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions



have been imposed and the petitioners released on bail. 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/-

30/11/2022

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/12/2022

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

TO

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

COPY TO

THE OFFICER INCHARGE,  
ROJAVANAM,  
HOME FOR AGED AND POOR,  
MADURAI.

ORDER

IN

CRL OP(MD) No.21149 of 2022

Date :30/11/2022

PKP/BUC/SAR-2/08.12.2022/3P/6C