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CRL OP(MD). N



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

Date : 01/12/2022

PRESENT

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

CRL OP(MD). No.21230 of 2022

Arockiyaramesh ... Petitioner/Accused Rank Not known

Vs

The State Rep.by
The Inspector of Police,
Civil Supplies Cid, Pudukottai.
(Crime No.241/2022). ... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
Advocate.

For Respondent : Mr.M. Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.241/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime.No.241 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have illegally found in possession of 60 bags of rice (each contains 50 kgs) and 100 bags of broken rice (each contains 50 Kgs) worth about Rs.21,000/- and the same were recovered. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as the prosecution and his name has been falsely implicated

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in this case and he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally two accused involved in this case and the petitioner herein is arrayed as A2 and there is no previous case against the petitioner. He would further submit that the investigation of the case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the the property was recovered and there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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.I, Pudukkottai, 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 shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) **to the credit of Claretian Mercy Home, Azhagusirai, Ponnangalam (post) Thirumangalam Taluk, Madurai District (Phone Nos. 04549-294901 & 8098672866)**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Aranthangi, Pudukkottai District.

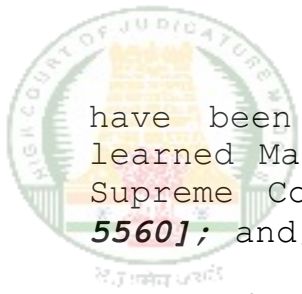
(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 - ie
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/-

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

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TO

1. Judicial Magistrate No.I, Pudukkottai.
2. -do-Through The Chief Judicial Magistrate,
Pudukkottai.
3. The Inspector of Police,
Civil Supplies Cid, Pudukkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Coy to:

**The Officer In-Charge,
Claretian Mercy Home,
Azhagusirai,
Ponnamangalam (post) Thirumangalam Taluk,
Madurai District**

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-14214[I] dated
02/12/2022)

ORDER

IN

CRL OP(MD) No.21230 of 2022

Date :01/12/2022

RD/BUC/SAR-II (08/12/2022) 3P 7C