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

Date : 06/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21387 of 2022

1. Marimuthu
2. Ramasamy @ Kottaisamy
3. Sekar ... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
CSCID Police,
Tirunelveli.
(Crime No.340 of 2022). ... Respondent/Complainant

For Petitioners : M/s.Venkatachalam D, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.340 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 7(1) (a) (ii) of Essential Commodities Act and Clause 6(4) of Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982, in Crime No.340 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were illegally transported 500 Kg of PDS rice worth about Rs.2,825/-. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioners were illegally transported 500 Kg of PDS rice worth about Rs.2,825/-. He would further submit that the first petitioner is having 2 previous cases and the petitioners 2 & 3 are not having any previous case. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the first petitioner shall pay a sum of **Rs.10,000/- (Rupees Ten Thousand only) & the petitioners 2 & 3 shall pay a sum of Rs.2,000/- (Rupees Two Thousand each) to the District Revenue Officer, Tenkasi District**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement 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 on 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 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 every day 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Sd/-

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

DSS

TO

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

COPY TO:

THE DISTRICT REVENUE OFFICER,
TENKASI DISTRICT.

+1. CC to M/S.VENKATACHALAM D Advocate SR.No.14493

ORDER

IN

CRL OP(MD) No.21387 of 2022

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