



WEB COPY



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

Date : 12/12/2022

PRESENT

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

**CRL OP(MD) . No.21877 of 2022**

N.Marimuthu

... Petitioner/Accused No.3

Vs

State rep.by  
The Sub Inspector of Police,  
Kuzhithurai Police Station,  
Nagercoil,  
Kanyakumari,  
CSCID-Madurai.  
(Crime No.84 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Jegadeesha Pandian.V.M,  
Advocate.

For Respondent : Mr.P.Kottaichamy,  
Government Advocate (Crl.Side)

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

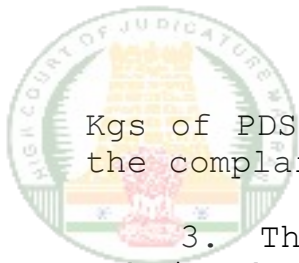
PRAYER :-

For Anticipatory Bail in Crime No.84 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 6(4) of TN Scheduled Commodities (RCDS) Order 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1995 in Crime No.84 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.05.2022, during the time of vehicle check up, the petitioner herein has transported 8000



Kgs of PDS Rice worth about Rs.45,000/- by using Tempo Van. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and thereby, seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner herein is having one previous case and the PDS rice recovered is worth about Rs.45,000/- and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel appearing for the petitioner would submit that he is ready and willing to deposit non-refundable amount of Rs.40,000/- in any one of the welfare scheme and he seeks anticipatory bail.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall pay a sum of Rs.40,000/- (Rupees Forty Thousand each) to the District Revenue Officer, Kanyakumari District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the Judicial Magistrate No.III, Nagercoil, Kanyakumari District,

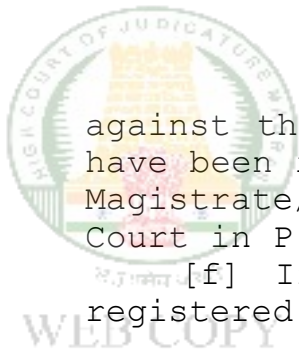
the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear 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].

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

Sd/-  
12/12/2022

/ TRUE COPY /

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

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.III,  
NAGERCOIL, KANYAKUMARI DISTRICT.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,  
KUZHITHURAI POLICE STATION,  
NAGERCOIL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:

THE DISTRICT REVENUE OFFICER,  
KANYAKUMARI DISTRICT.

ORDER  
IN  
CRL OP(MD) No.21877 of 2022  
Date :12/12/2022