



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.21899 of 2022



WEB COPY

1. Madasamy
2. Jesuraj

... Petitioners/Accused No.1 & 2

Vs

The State Rep.by
The Inspector of Police,
CSCID Tirunelveli,
Tirunelveli District,
Crime No.297 of 2022.

... Respondent/Complainant

For petitioners: M/s.Karthick.R.J,
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.297 of 2022 on the file of the respondent Police

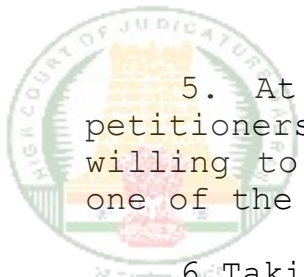
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 6(4) of TN Scheduled Commodities (RCDS) Order 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.297 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.10.2022, during the time of vehicle check up, the petitioners have illegally transported 2650 Kgs of PDS Rice worth about Rs.14,690/- by using Ashok Leyland Dost vehicle. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have 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 PDS rice recovered is worth about Rs.14,690/- and hence, he strongly opposed to grant anticipatory bail to the petitioners.



5. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners are ready and willing to deposit non-refundable amount of Rs.7,000/- each 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 petitioners with certain conditions.

7. Accordingly, the petitioners are 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.II, Thirunelveli, on condition that each of the the petitioners 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 petitioners shall pay a sum of Rs.7,000/- (Rupees Seven Thousand only) each to the District Revenue Officer, Thirunelveli District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the Magistrate concerned,

(b) 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.

[c] the petitioners shall appear before the respondent police daily at 10.30 am until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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].

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

sd/-

12/12/2022

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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 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

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 INCHARGE,
DISTRICT REVENUE OFFICER,
TIRUNELVELI DISTRICT.

ORDER

IN

CRL OP(MD) No.21899 of 2022

Date :12/12/2022

TRP

MK/SSS/SAR 2/22.12.2022/3P/6C