



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22092 of 2022

1.N.Rajaram

2.Sulthan @ M.Mohamed Sulthan ...Petitioners/Accused No.1&2

-vs-

The State represented by
The Inspector of Police,
CSCID, Uthamapalayam (PS),
CSCID Madurai Regional District.
(Cr.No.208 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.208 of 2022 on the file of the respondent Police.

For Petitioner : Mr.A.Joseph Jerry, Advocate

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

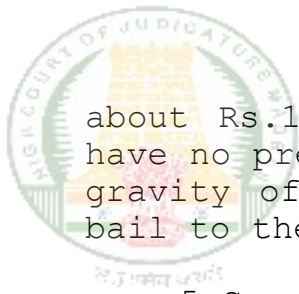
O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under under Clause 6 (4) of TNSC (RDCS) Order 1982 and under Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.208 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 1450 Kg of PDS rice worth about Rs.1,08,193/-. 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 1450 Kg of PDS rice worth



about Rs.1,08,193/-. He would fairly concede that the petitioners have no previous case pending against them. 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 petitioners shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the (*) **District Revenue Officer, (**)Theni District**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Uthamapalayam, Theni District.

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 on which the order copy made ready, before the learned Judicial Magistrate, Uthamapalayam, Theni District, on condition that the petitioners shall execute 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 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 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 everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday 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 FII registered under Section 229A IPC.

sd/-
14/12/2022

WEB COPY

(*)FOR BEING MENTIONED, AS PER THE ORDER OF THIS HONOURABLE COURT DATED 24/01/2023 IN CRL OP(MD) No.22092 of 2022.

(**)FOR BEING MENTIONED, AS PER THE ORDER OF THIS HONOURABLE COURT DATED 28/02/2023 IN CRL OP(MD) No.22092 of 2022.

Further, the time is extended for further two weeks for executing sureties, from the date of receipt of a copy of the amended order.

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

TO BE SUBSTITUTED TO THE ORDER DATED 24/01/2023 ALREADY DESPATCHED

- 1.THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3 THE INSPECTOR OF POLICE,
CSCID, UTHAMAPALAYAM (PS),
CSCID MADURAI REGIONAL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1.THE DISTRICT REVENUE OFFICER,
DINDIGUL DISTRICT.

<https://www.mca.gov.in/judis>



2.THE DISTRICT REVENUE OFFICER,
THENI DISTRICT.

+1 CC to M/s..JOSEPH JERRY.A , Advocate SR-14856[I] dated 14/12/2022

WEB COPY

ORDER

IN

CRL OP (MD) No.22092 of 2022

Date :14/12/2022

VA/BUC/SAR-1/04.02.2023/6P/9C

NA/SAR-2/16.03.2023/4P/8C