



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

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

CRL.O.P (MD) No.22918 of 2022

V.Balasubramanian @ Subbu

... Petitioner/Accused No.2

-vs-

State represented by
The Sub Inspector of Police,
Tirunelveli Police Station,
CSCID-Madurai.
(in Cr.No.258 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.258 of 2022.

For Petitioner : Mr.V.M.Jegadeeshapandian, Advocate
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 and Section 7(1)(a)(ii) of EC Act, 1955 in Crime No.258 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-fact complainant, is that during inspection, it is found that the petitioner and other accused were in illegal possession of 2200 Kgs of PDS rice worth about Rs.66,000/-. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that during inspection, it is found that the petitioner and other accused were in illegal possession of 2200 Kgs of PDS rice worth about Rs.66,000/-. He would fairly concede that the petitioner has no previous case pending against him. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.At this juncture, the learned Counsel for the petitioner would submit that the petitioner is ready and willing to deposit Rs.33,000/- to any welfare scheme of the Government.



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

7. Accordingly, the petitioner shall pay a sum of **Rs.33,000/- to the District Revenue Officer, Tirunelveli**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate Court-II, Tirunelveli.

8. On production of such receipt, 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 Court-II, Tirunelveli., 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 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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/-

23/12/2022

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

cmr

<https://www.mhc.tn.gov.in/judis>



To

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

+1 CC to M/s.V.M.JEGADEESHA PANDIAN, Advocate (SR-15537[I] dated
23/12/2022)

ORDER
IN
CRL OP(MD) No.22918 of 2022
Date :23/12/2022

RS/SSS/SAR.1(05.01.2023) 3P-7C