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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23224 of 2022

Lingadurai

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
CSCID Police Station,
Thanjavur District.
Crime No.268 of 2022..

... Respondent/Complainant

For Petitioner : Mr.Karunakaran K.M.,Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.268 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 6(4) of TNSC (RDCS) Order 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.268 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is the Sub Inspector of Police received a secret information and based on the information, they found that Accused Nos.1, 3 and 4 transported 22 bags of PDS rice and they were arrested on the spot. Hence, the complaint.

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



3.The learned counsel for the petitioner submitted that the petitioner is not arrayed as accused originally and based on the confession statement of the first accused, the petitioner has been implicated as accused. Hence, he prayed for anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the petitioner is the godown owner and he is having three previous cases. Hence, he prayed for dismissal of this petition.

5.At this juncture, the learned counsel for the petitioner would submit that without prejudice to his defence, the petitioner is prepared to deposit some considerable amount to any charitable Organization or Association.

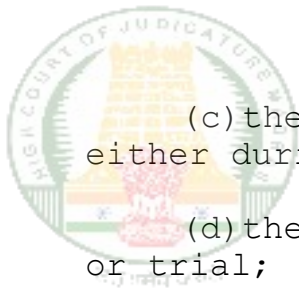
6.Considering the facts and circumstances of the case and also considering the willingness of the petitioner to deposit some considerable amount to any charitable Organization or Association, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Madurai Bench High Court Advocates Association (MBHAA), Ac.No.496038755, IFSC.CODE:IDIB000H040 Branch High Court, Madurai,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Thanjavur.

8.On production of such receipt, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his 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, Thanjavur,** 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 learned 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 daily at 10:30 a.m., until further orders;



(c) the petitioner shall not tamper with the evidence or 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]**; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/12/2022

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29/12/2022

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

IAS
TO

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

COPY TO

THE OFFICER INCHARGE
ADVOCATES ASSOCIATION (MBHAA)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-15631[I] dated 28/12/2022
ORDER

IN

CRL OP(MD) No.23224 of 2022

Date :28/12/2022