



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2023

PRESENT

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

CRL.O.P (MD)No.706 of 2023

Sundar

...Petitioner/Accused No.3

-vs-

State rep through
The Inspector of Police (CSCID) Madurai
Virudhunagar Police Station,
Virudhunagar District.
(in Cr.No.147 of 2022)

...Respondent/Complainant

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

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. 147 of 2022.

For Petitioner : Mr.M.Prabu, Advocate

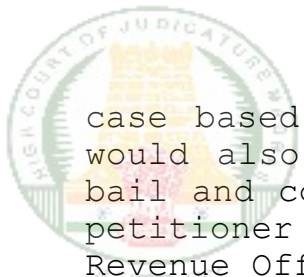
For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 6(4) of TN Scheduled Commodities (RDCS) Order 1982 & Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.147 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that the petitioner along with other accused were found in possession of 1050 kgs of Essential Commodities Rice in 21 bags worth Rs.34,650/-. 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 based on the confession recorded from the other accused. He would also submit that the arrested accused have been released on bail and contraband was recovered. He would further submit that the petitioner is ready to deposit Rs.25,000/- to the credit of District Revenue Officer without prejudice to his rights and contentions.

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4.The learned Government Advocate (Crl.side) would submit that the accused in this case were found in possession of 25 bags of Essential Commodities Rice with vehicle bearing Reg.No.TN-69-AV-2405 TVS XL and each bag contains 50 kgs of Rice. He would also submit that no previous case is pending against the petitioner. He would oppose for grant of anticipatory bail to the petitioner.

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 petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the District Revenue Officer, Dindigul District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, No.I. Virudhunagar.

7.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 of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Virudhunagar, 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 learned Magistrate concerned and on further conditions 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 were not imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

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sd/-
11/01/2023

/ TRUE COPY /

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

CM
TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
(CSCID-MADURAI), VIRUDHUNAGAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE DISTRICT REVENUE OFFICER,
DINDIGUL DISTRICT.

+1 CC to M/s.PRABU M, Advocate (SR-648[I] dated 12/01/2023)

ORDER
IN
CRL OP(MD) No.706 of 2023
Date :11/01/2023

PKP/BUC/SAR-1/24.01.2023/3P/7C