



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

PRESENT

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

CRL.O.P (MD) No.934 of 2023

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... Petitioner/Accused
(Rank Not Known)**-vs-**State represented by
The Inspector of Police,
Civil Supplies CID,
Sivagangai.
(Cr.No.170 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.170 of 2022.

For Petitioner	: Mr.T.Lenin Kumar
For Respondent	: Mr.K.Sanjai Gandhi
	Government Advocate (Crl.side)

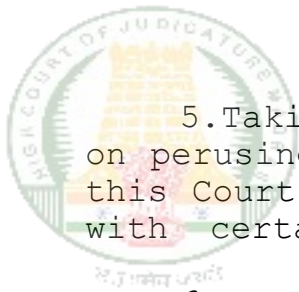
ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Clause 4 of Tamil Nadu Essential Trade Articles (Regulation of Trade) Order 1984 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955 and in Crime No.170 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 was found to be illegally transported 513 bags of paddy (each contains 40 kgs) and hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner has been trading rice after purchasing paddy from private farmers. Like so, he has purchased paddy from one Palanimalaiselvam, who is a farmer in Payamariyanenthal, Manamelkudi Taluk, Pudukottai District. He has not committed any offence, as alleged by the prosecution. Hence, he would pray for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that based on suspicion, a case has been registered. However, during enquiry, it has come to the light that the petitioner has purchased the paddy from private parties and the consignment was purchased from one Palanimalaiselvam.



5. Taking into consideration the facts and submissions on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 No.I, Sivagangai, 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 one week and thereafter, as and when required on issuance of summons.

[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/-

09/02/2023

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

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To

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, CIVIL SUPPLIES CID, SIVAGANGAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-2125[I] dated 10/02/2023)

ORDER

IN

CRL OP (MD) No.934 of 2023

Date :09/02/2023

RS/VR/SAR.3(15.02.2023) 3P-6C