



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1028 of 2023

Kangavalli @ Kanagavalli

... Petitioner/Sole Accused

Vs

The State rep.by, .
The Inspector of Police,
Civil Supplies CID,
Sivagangai
(Crime No.2 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Clause 6 (4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.2 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on receipt of a secret information, when the respondent police inspected a modern rice mill, found that the petitioner had illegally stored 10 bags of brown rice (each contains 30 kgs), 10 bags of raw rice (each



contains 30 kgs) and 1 bag of Wheat (each contains 30 kgs) card holders. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would also submit that without prejudice to her contentions, the petitioner is prepared to deposit a sum of Rs.15,000/- to any Welfare Scheme of the Government. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that on receipt of a secret information, when the respondent police inspected a modern rice mill, found that the petitioner had illegally stored 10 bags of boiled rice (each contains 30 kgs), 10 bags of raw rich (each contains 30 kgs) and 1 bag of Wheat (each contains 30 kgs) from the card holders. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.In order to curb the illegal activities of transporting PDS rice, this Court is of the opinion that the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to "the District Revenue Officer, Sivagangai District," without prejudice to her rights and contentions before the trial Court. However, it is made clear that merely, because the petitioner deposits the said amount, it would not amount to admission of her guilt. Therefore, it is open to the trial Court to deal with the case independently.

7.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to deposit Rs.15,000/- to any welfare scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) by way of Demand Draft to the "District Revenue Officer, Sivagangai District", without prejudice to her rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on her 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 separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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., 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/-
19/01/2023

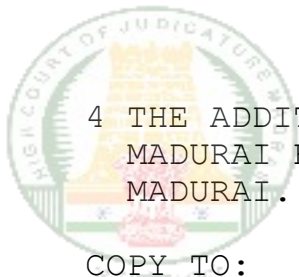
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/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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.



CRL OP(MD).



23

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

COPY TO:

THE DISTRICT REVENUE OFFICER,
SIVAGANGAI DISTRICT.

+1. CC to M/S.LENIN KUMAR.T Advocate SR.No.858(I)

ORDER

IN

CRL OP(MD) No.1028 of 2023

Date :19/01/2023

VA/MMS/SAR-1/27.01.2023/4P/7C