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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2023

PRESENT

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

CRL OP(MD). No.1197 of 2023

Kaliraj ... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Cscid-Virudhunagar,
Madurai District.
(In Crime No.8/2023).
... Respondent/Complainant

For Petitioner : M/s.Prabha S,
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.8/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 8(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1962 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No. 10 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused had illegally transported 3000kgs of PDS rice in a TATA 407 Vehicle bearing Registration No.TN-47-S-2656 and on seeing the police, the accused ran away leaving the vehicle. Hence, the case.

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3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been registered against him and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the petitioner is a habitual offender, involved in illegal transportation of PDS rice and he has got two previous cases to his credit. Hence, he opposed to grant anticipatory bail.

5.In reply, the learned counsel for the petitioner would submit that without prejudice to his contentions, the petitioner is ready to deposit a sum of Rs.90,000/- to the credit of District Revenue Officer concerned and he has also filed an affidavit before this Court to that effect.

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

7.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.1,00,000/- (Rupees One Lakh only) as non refundable deposit to "the District Revenue Officer, Madurai" without prejudice to his 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 his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) by way of Demand Draft to the "District Revenue Officer, Madurai", without prejudice to his 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Virudhunagar, on condition that the petitioner shall execute a separate 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

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Magistrate may obtain a copy of their Aadhar card or Bank passbook 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/-
25/01/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate No.1, Virudhunagar.

2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District.

3. The Inspector of Police,
Cscid-Virudhunagar, Madurai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The District Revenue Officer, Madurai

ORDER
IN
CRL OP(MD) No.1197 of 2023
Date :25/01/2023

RD/SAR-I(03/02/2023) 3P 6C

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