



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2023

PRESENT

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

CRL.O.P(MD)No.1709 of 2023

WEB COPY

Muthu Selvan

...Petitioner/Accused No.2

-vs-

The State represented by
The Inspector of Police,
Civil Supplies CID,
Kuzhithurai,
Kanyakumari District.
(in Cr.No.11 of 2023)

...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.11 of 2023.

For Petitioner
For Respondent

: Mr.K.Sathish Kumar,Advocate
: 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 6(4) of Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.11 of 2023 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 accused persons were found to be illegally transported 1800 kgs of PDS rice worth of Rs.59,400/-. 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 was falsely implicated in this case based on the confession of the arrested accused. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. He would pray for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner and other accused were illegally transported 1800 Kgs of PDS rice.

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



of PDS rice worth about Rs.59,400/-. He would further submit that the petitioner has two previous cases pending against him. Further, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner would submit that without prejudice his rights and defence, the petitioner is ready and willing to deposit Rs.75,000/- to any welfare scheme of the Government.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall pay a sum of **Rs.75,000/- to the District Revenue Officer, Kanyakumari District**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate-III, Nagercoil.

8. 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 on which the order copy made ready, before the learned Judicial Magistrate-III, Nagercoil, 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 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 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/-

30/01/2023

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/ TRUE COPY /

/02/2023

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

CMR

TO

- 1 The Judicial Magistrate-III,
Nagercoil at Kanniyakumari District.
- 2 The Chief Judicial Magistrate,
Nagercoil at Kanniyakumari District.
- 3 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
KUZHITHURAI,
KANNIYAKUMARI DISTRICT.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The District Revenue Officer,
Kanyakumari District.

ORDER

IN

CRL OP(MD) No.1709 of 2023

Date :30/01/2023

VA/CG/SAR-4/08.02.2023/3P/6C