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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01.02.2023

PRESENT

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

CRL OP(MD) . No.1938 of 2023

Sekar ... Petitioner/Accused Rank not known
Vs.

The Inspector of Police,
Trichy Police Station,
CBCID Madurai,
(In Crime No.336 of 2022) ... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar
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.336 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(a) of TN Scheduled Commodities (RSCS) and Section 7(1)(a)(ii) of Essential Commodities Act in Crime No.336 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused illegally transported 1600 Kg of PDS rice worth about Rs.52,800/-. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he seeks anticipatory bail.



4.The learned Government Advocate (Crl.side) would submit that the accused in this case were illegally transported 1600 Kg of PDS rice worth about Rs.52,800/-. He would further submit that no previous case is pending against the petitioner. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.

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

6.Accordingly, the petitioner shall pay a sum of **Rs.30,000/- (Rupees Thirty 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.IV, Trichy.

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.IV, Trichy, 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 every day at 10.30 am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
TRICHY.,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
TRICHY POLICE STATION, CSCID MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DISTRICT REVENUE OFFICER,
DINDIGUL DISTRICT.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-1664[I] dated 02/02/2023)

ORDER

IN

CRL OP(MD) No.1938 of 2023

Date :01/02/2023

SS/VR/SAR I(08.02.2023) 3P 7C