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CRL OP(MD).



23

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

Date : 10/02/2023

PRESENT

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

CRL OP(MD) . No.2245 of 2023

Pandi @ Ottapandi

... Petitioner/Accused

Vs

The Inspector of Police,
Cscid-Madurai, Virudhunagar Police Station,
Virudhunagar District.
Crime No.15 of 2023..

... Respondent/Complainant

For Petitioner : Balaji S

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.15 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 6(2)(3)(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of EC Act, 1955 in Crime No.15 of 2023, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had illegally transported 2300 Kgs of PDS rice, worth about Rs.75,900/-. Hence, the complaint.



3.The learned Counsel for the petitioner would submit that the petitioner is an innocent 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 persons had illegally transported 2300Kgs of PDS rice, worth about Rs.75,900/-. He would fairly concede that the petitioner has no previous case pending against him. However, 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 the petitioner is ready and willing to deposit Rs.20,000/- to any Welfare Scheme of the Government.

6.Considering the facts and circumstances of the case and readiness of the petitioner to deposit amount to any Welfare Scheme of the Government, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall make a deposit of a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the District Revenue Officer, Virudhunagar District**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the concerned Court.

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 No.I, Virudhunagar**, 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., 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 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.

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10/02/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR,
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.
- 3 THE INSPECTOR OF POLICE
CSCID-MADURAI, VIRUDHUNAGAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DISTRICT REVENUE OFFICER,
VIRUDHUNAGAR.

+1. CC to BALAJI S Advocate SR.No.2142(I)

ORDER
IN
CRL OP(MD) No.2245 of 2023
Date :10/02/2023

VA/SBN/SAR-2/22.02.2023/3P/7C