



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2023

PRESENT

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

CRL.O.P (MD) No.3665 of 2023

Shankar @ Karuppaiah

... Petitioner/Accused
(Rank not known)

-vs-

State represented by
The Inspector of Police,
Civil Supplies C.I.D
Sivagangai.
(in Cr.No.12 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.12 of 2023.

For Petitioner
For Respondent: Mr.B.Ramnath, 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 4 of Tamil Nadu Essential Trade Articles (Regulation of Trade) Order 1984 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.12 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 2160 Kgs of PDS rice worth about Rs.60,489/-. 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. He would further submit that no previous case is pending against the petitioner and to show his *bonafides*, the petitioner is ready to deposit Rs.60,000/- to the credit of District Revenue Officer, Sivagangai District without prejudice to his rights and contentions. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioner has illegally transported 2160 Kgs of PDS rice worth about Rs.60,489/-. 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, the Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the District Revenue Officer, Sivagangai District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.I, Sivagangai.

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.I, Sivagangai, 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]**.

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

sd/-

24/02/2023

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/03/2023

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

CM



To

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE, CIVIL SUPPLIES C.I.D,
SIVAGANGAI DISTRICT.

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.T.LENINKUMAR, Advocate (SR-2910[I] dated 27/02/2023)

ORDER

IN

CRL OP(MD) No.3665 of 2023

Date :24/02/2023

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