



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

PRESENT

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

CRL.O.P(MD)No.3694 of 2023

Periyasamy

...Petitioner/Accused Rank not known

-vs-

State represented by
The Inspector of Police,
CSCID, Thanjavur,
Thanjavur District.
(in Cr.No.15 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.15 of 2023.

For Petitioner
For Respondent

: Mr.A.Mohan
: Mr.K.Sanjay Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 6(4) of TNSC (RDSCS) 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, as per the de-facto complainant is that the accused were in illegal possession of 110 bags of PDS rice. 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 is ready to abide by any condition that may be imposed by this Court and he would pray for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the petitioner has illegally transported 110 bags PDS rice and the petitioner has got 1 previous case of similar nature. He would strongly oppose for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that without prejudice to his rights and contentions, the petitioner is ready to deposit Rs.75,000/- to the credit of District Revenue Officer, Thanjavur District.

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/- (Rupees Seventy Five Thousand only) to the District Revenue Officer, Thanjavur District, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned **(*)Judicial Magistrate No.2, Thanjavur.**

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 of receipt of a copy of this order, before the learned **(*)Judicial Magistrate No.2, Thanjavur,** 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 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 FI registered under Section 229A IPC.

sd/-

02/03/2023

(*)CORRECTED AS PER ORDER OF THIS COURT
DATED 21.03.2023 IN CRL MP(MD) NO.4690
OF 2023 IN CRL OP(MD) NO.3694 OF 2023.

FURTHER TWO WEEK TIME IS GRANTED TO THE
PETITIONER TO COMPLY WITH THE
CONDITIONS IMPOSED BY THIS COURT FROM
THE DATE OF RECEIPT OF A COPY OF THIS
ORDER AS LAST CHANCE.

/ TRUE COPY /

/04/2023

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

CM
SJI

To

TO BE SUBSTITUTED TO THE ORDER DATED 02/03/2023 ALREADY DESPATCHED

1. The Judicial Magistrate No.1, Thanjavur.
2. The Judicial Magistrate No.2, Thanjavur.
3. -do-Through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
4. The Inspector of Police,
CSCID, Thanjavur,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The District Revenue Officer, Thanjavur District.

+1 CC to M/s.A.MOHAN, Advocate (SR-4846[I] dated 24/03/2023)

ORDER

IN

CRL OP(MD) No.3694 of 2023

Date :02/03/2023

RD/AR/SAR-IV (09/03/2023) 3P 7C

NA/SSS/SAR-1/10.04.2023/3P/8C

<https://www.mhc.tn.gov.in/judis>