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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5423 of 2023

R.Sundara Moorthy

... Petitioner/Accused Rank-1

Vs

State Rep.by
The Inspector of Police,
Virudhunagar CSCID Police Station,
Virudhunagar,
Virudhunagar District.
Crime No.32/2023.

... Respondent/Complainant

For Petitioner : M.Karuppasampandian, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.32 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(i) (a)(ii) Essential Commodities Act, 1955 in Crime No.32 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and his party have seized 3350 kgs of PDS rice. The accused had collected the PDS rice and sold the same in black market illegally. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.There are six accused in this case. A3 and A4 were already arrested. Based on the confession of the other accused, the petitioner/A1 has been implicated as an accused in this case. The

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petitioner is having two previous cases of similar in nature. However, the petitioner, to show his *bona fides*, is ready and willing to deposit some reasonable amount as imposed by this Court.

5. Considering the above 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.25,000/- (Rupees Twenty Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Virudhunagar, Virudhunagar District.

7. On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or 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, Virudhunagar, Virudhunagar District, 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, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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].



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

sd/-

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

SJI

TO

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

COPY TO

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND (CMPRF),
GOVERNMENT OF TAMILNADU, SECRETARIAT,
CHENNAI.

+1 CC to M/s.M.KARUPPASAMY PANDIAN, Advocate (SR-4780[I] dated
24/03/2023)

ORDER

IN

CRL OP(MD) No.5423 of 2023

Date :23/03/2023

RS/MMS/SAR-1 (30.03.2023) 3P 7C