



WEB COPY



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

Date : 30/03/2023

PRESENT

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

CRL OP(MD). 6040 of 2023

Seenipandian

... Petitioner/Accused Rank not Known

Vs

State rep., by
The Inspector of Police,
CSCID-Virudhunagar,
Madurai Wing.
(In Crime No.35 of 2023)

... Respondent/Complainant

For Petitioner

: Mr.S.Prabha

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.35 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused rank not known, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)a(ii) of the Essential Commodities Act, 1955, in Crime No.35 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information the respondent police conducted patrol duty, at that time, they found that the three persons illegally transported PDS rice using lorry bearing Registration NO.TN 63 BJ9172. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that three previous case are pending and all are similar in nature.

5.Taking into consideration of the facts and circumstances of the case, the custodial interrogation of the petitioner is not required. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:



6. Accordingly, 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 make a non refundable deposit for 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 concerned Court while executing sureties.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m and 05.30 p.m., for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

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

sd/-

30/03/2023

/ TRUE COPY /

/04/2023

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



TO

1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
CSCID-VIRUDHUNAGAR, MADURAI WING.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
THE CREDIT OF GOVERNMENT OF TAMILNADU,
CHIEF MINISTERS PUBLIC RELIEF FUND, SECRETARIAT,
CHENNAI 9.

ORDER

IN

CRL OP(MD) No.6040 of 2023
Date :30/03/2023

SA/VR/SAR I/10/04/2023/3P/6C