



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/04/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.6545 of 2023

1. Arumuga Nayinar,

2. Muthu Selvan,

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Civil Supplies Cid,
Thoothukudi District.
Crime No. 34 of 2023.

... Respondent/Complainant

For Petitioners : Mr.K.Sathish Kumar,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. 34 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under section 6(4) of TN Scheduled Commodities (RDCS) Order 1982 r/w.7(1)(a)(ii) Essential Commodities Act, 1955 in Crime No.34 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in illegal possession of 168 bags of PDS rice. Hence, a case has been registered.

3. Heard both sides and perused the materials available on record including the First Information Report. It is reported that two similar previous cases are pending against the petitioners



4.Considering the facts and circumstances of the case, the court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the **(*)Judicial Magistrate No.IV, Thoothukudi** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two blood related sureties each for a like sum to the satisfaction of the respondent Police or to 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 petitioners 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 petitioners shall make a non refundable deposit for a sum of Rs.50,000/- (Rupees Fifty thousand only) each 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 petitioners 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;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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]; and;



(g) if the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/04/2023

(*) Amended as per Order of this Hon'ble Court dated 11/05/2023 in Crl.MP(MD).7410/2023 in Crl.OP(MD).6545/2023 by RKMJ.

The time to deposit a sum of Rs.50,000/- each to the credit of the Government of TN CMRF in IOC Secretariat Branch, Chennai -9, Account No.11720 10000 00070, IFSC Code: IOBA0001172), is extended for a period of further two weeks from the date of receipt of a copy of this order.

/ TRUE COPY /

/05/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE IV, THOOTHUKUDI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE JUDICIAL MAGISTRATE VI, THOOTHUKUDI

4 THE INSPECTOR OF POLICE
CIVIL SUPPLIES CID, THOOTHUKUDI DISTRICT.

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

COPY TO

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU
SECRETARIAT BRANCH,
CHENNAI -9.

+1 CC to M/s.K.SATHISH KUMAR, Advocate (SR-7386[I] dated 12/05/2023
ORDER

IN

CRL OP(MD) No.6545 of 2023

Date :10/04/2023

PKP/VR/SAR-4/17.04.2023/ 3P/7C

PNN

PKP/CG/SAR-2/16.05.2023/ 3P/8C

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