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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

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

CRL OP(MD) . No.9792 of 2022

S.Thirukannan

... Petitioner/Accused Rank not known

Vs

The state represented by
The Inspector of Police,
In Civil Supplies CID,
Virudhunagar District
Crime No. 99/2022.

... Respondent/Complainant

For Petitioner : M/s.Murugaganesan,
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.99 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of EC Act, 1955 in Crime No.99 of 2022 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 15,550kgs 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.All the accused persons were found in illegal possession 15,550kgs of PDS rice. A6 to A9 were already granted anticipatory bail by this Court in Crl.O.P.(MD)Nos.9740 and 9748 of 2022, dated 16.06.2022 on condition to deposit a sum of Rs.75,000/- each (A6 and A7) and Rs.1,00,000/- each (A8 and A9) to the credit of Government of Tamil nadu, CMPRF in IOB, Secretariat Branch, Chennai-9. Insofar as the petitioner is concerned, he is arrayed as A4 in this case and he was working in the lorry transport service. Therefore, the custodial interrogation of the petitioner does not require in this case.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been granted anticipatory bail by this Court, 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.

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, 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].

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

sd/-

07/03/2023

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/03/2023

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,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
IN CIVIL SUPPLIES CID, VIRUDHUNAGAR DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

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

ORDER

IN

CRL OP(MD) No.9792 of 2022

Date :07/03/2023

SS/SAR II/15/03/2023/3P/6C