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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/06/2023

PRESENT

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

CRL OP(MD) . No.9552 of 2023

Anbazhagan,
Seasonal Bill Clerk,
(Sivagangai Seasonal Employee)
Aachikulam Direct
Paddy Purchasing Centre, Madurai Region,
Madurai..

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
CSCID Police Station, Madurai,
Crime No.267/2022..

... Respondent/Complainant

For Petitioner : M/s.Antony Arul Raj.T,
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.267/2022 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 sections
3(1) of Tamil Nadu Paddy (Restriction of Movement) Order 182 and
section 7(1)(a)(ii) of E.C. Act, 1985 in Crime No. 267 of 2022 on
the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner's duty is to purchase paddy from the farmers and sent it to godown and on enquiry it was found that there is shortage of 91 bags of paddy, hence the case.

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3. Heard both side and perused the materials available on record including the First Information Report.

4. Even according to the case of prosecution the petitioner buying the paddy had transported 443 bags of paddy in the contract lorry and another 91 bags in a private vehicle. Taking into consideration all the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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.III, Madurai 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 report before the respondent police daily at 10.30 am., for a period of three 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.

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

AAV

TO

- 1.THE JUDICIAL MAGISTRATE NO.III, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
CSCID POLICE STATION, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-8291[I] dated
08/06/2023)

ORDER
IN
CRL OP(MD) No.9552 of 2023
Date :06/06/2023

RK/MMS/SAR- (09/06/2023) 3P/6C