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CRL OP(MD). N



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

Date : 13/06/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10297 of 2023

Vijaikumar, ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Cscid Madurai,
Dindigul Police Station,
Dindigul District.
(Crime No. 207 OF 2022)

... Respondent/Complainant

For Petitioner : Ramesh Kumar.S,
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.207 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 6 (4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Cr.No.207 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and his party have seized 70 bags (3060 kgs) of PDS rice from the petitioner. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioner.

<https://www.mca.gov.in/judice>



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused said to have illegally transported 3060 kgs of PDS rice worth about Rs.1,36,800/-. He would also submit that the entire property was seized by the respondent police.

5.Considering the nature of charges levelled against the petitioner and also the facts that the entire property has been recovered by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.75,000/- (Rupees Seventy 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.3, Dindigul 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.3, Dindigul 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 learned Magistrate may obtain a copy of their Aadhaar 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 one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]**; and;



(f)if the accused / petitioner thereafter absconds, a : [R
can be registered under Section 229-A IPC.

sd/-
13/06/2023

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

DSS

TO

- 1 THE JUDICIAL MAGISTRATE NO.3
DINDIGUL DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
- 3 THE INSPECTOR OF POLICE
CSCID MADURAI, DINDIGUL POLICE STATION,
DINDIGUL DISTRICT
- 4 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.S.RAMESH KUMAR, Advocate (SR-8701[I] dated 14/06/2023)

ORDER
IN
CRL OP(MD) No.10297 of 2023
Date :13/06/2023

PKP/CG/SAR- /23.06.2023/ **3P/7C**