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THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15420 of 2023

P.Prabakaran

... Petitioner/ Accused No.13

Vs

The State, represented by
The Inspector of Police,
Civil Supplies C.I.D.,
Madurai District.
(Crime No.109 of 2022).

... Respondent/ Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.109 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.13, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(4) of the Tamil



Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982, r/w. 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.109 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.06.2022, the defacto complainant was involved in vehicle checkup nearby South Main Road of SP Matriculation School, a lorry bearing Registration No.AP 04 V 7878, stood in front of a godown. They found that the accused persons A1 to A12 were loading white polythene bags. Immediately, the defacto complainant intercepted the lorry. The inspection revealed that the vehicle was found to be loaded with 450 bags of rice. It is alleged that the first accused collected rice from the card holders of Avaniyapuram and stored the same in the godown.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and is no way connected in this case. Further, the petitioner is the owner of the vehicle. Only based on the confession statement of the co-accused, this petitioner has been implicated as an accused.



4. The learned Government Advocate (Crl. Side) for the respondent Police submitted that the PDS rice, which was transported illegally by the petitioner is worth about Rs.1,19,497/- and there is no previous case is pending against the petitioner.

5. Considering the fact and circumstance of this case and considering that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



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7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
20/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III
MADURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D MADURAI DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13962[I] dated 21/09/2023)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

CRL OP(MD) No.15420 of 2023

Date :20/09/2023

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023