



CRL OP(MD)No.15845 of 2023

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

Date : 31.08.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL
CRL OP(MD)No.15845 of 2023

K.Pandi

... Petitioner/ Accused (Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Civil Supplies CID.,
Tirunelveli District.
(Crime No.153 of 2023)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar, Advocate
For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.153 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.153 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 29.06.2023, when the Inspector of Police, Sernthamaram Police Station conducted vehicle check up, they found a van bearing registration No.TN-76-S-6298 loaded with 40 bags of rice(each contains 50 kgs). The



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driver of the vehicle gave a confession that he purchased the rice from the fair price shop, where the petitioner herein is employed. Hence the case.

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3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has been falsely implicated in this case. Already, co-accused arrested and released on bail and hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that A1 in this case was found in illegal possession of rice, which was meant to be distributed to the general public through fair price shop and based on his confession, the petitioner herein added as an accused. The petitioner is having one similar previous case and strongly objected to grant anticipatory bail to the petitioner.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions on either side and considering the fact that the co-accused in this case was arrested and released on bail and considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7.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.II, Tirunelveli



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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 condition that:

[a] the petitioner shall report before the respondent police on every Sunday at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

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

sd/-
31/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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gns
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TO

1 THE JUDICIAL MAGISTRATE NO.II, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13074[I] dated 01/09/2023)

ORDER IN
CRL OP(MD) No.15845 of 2023
Date :31/08/2023

RS/VR/SAR-(07.09.2023) 4P 6C
Madurai Bench of Madras High Court is issuing
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