



CRL OP(MD). No.16770 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1. Kuttiyan @ Sellaiya,

2. Sathish Kumar,

... Petitioners/ Accused Nos.1 & 4

Vs

**The State Rep.by
The Inspector of Police,
Civil Supplies C.I.D,
Tenkasi.
(Crime No.234 of 2023).**

... Respondent/ Complainant

**For Petitioner : M/s.Leninkumar,
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.234 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused No.1 & 4, apprehending arrest at the hands of the

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respondent police for the alleged offence punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(A)(ii) of Essential Commodities Act, 1955, in Crime No.234 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 12.09.2023, when the respondent police conducted vehicle check up, they found the vehicle loaded with 22 bags of rice (Each contains 35 kgs.). Hence, the case

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is involved in transportation of 710 kgs. of PDS rice illegally, worth about Rs.4,350/-. He would further submit that the first petitioner is having three previous cases, similar in nature and the second petitioner is having no previous case against him.

5. Considering the nature of offence, this Court is inclined to grant anticipatory bail to the second petitioner only on payment of cost and considering the bad antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the second petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to



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the credit of the Account Number (A/c.No.7567821433, Indian Bank, High Court Branch Madurai (2001), IFSC Code:IDIB000H040) opened by the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, for donating law books in the name of “Madurai Bench of Madras High Court” in Kalaingar Centenary Library, Madurai, without prejudice to his rights and contentions before the trial Court.

7. On such deposit being made, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Tenkasi, on condition that the second 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 second petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The second 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.



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9. This criminal original petition stands dismissed in respect of the first petitioner.

sd/-
15/09/2023

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/09/2023

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

TM

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
DISTRICT.

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

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

COPY TO:

1 THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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2 THE OFFICER INCHARGE
KALAINAR CENTENARY LIBRARY,
RESERVE LINE, MADURAI.

+1. CC to M/S.LENINKUMAR Advocate SR.No.43523(F)

ORDER
IN
CRL OP(MD) No.16770 of 2023
Date :15/09/2023

TM

PKP/VRS/SAR- /26.09.2023/ 4P/ 8C

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