



CRL OP(MD)No.17777 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

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Ramu

... Petitioner/2nd Accused

Vs

The State represented by
The Inspector of Police,
Civil Supplies CID,
Sivagangai.
(Crime No.96 of 2023)

... 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.96 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



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the offences punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.96 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 31.08.2023, when the Sub Inspector of Police was conducted vehicle check up, they found one TATA 909 vehicle bearing Reg.No.TN-57-R-6679 loaded with 80 bags of rice(each contains 40 kgs), which is meant to be distributed to general public through fair price shop. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is the owner of the above said vehicle and he rented the same to one Arumugam, son of Sathan on 31.08.2023, to that effect he filed an affidavit. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the accused persons illegally transported rice, which was meant to be distributed general public through fair price shop. That apart, the petitioner is having one previous case. Therefore, he opposed to grant anticipatory



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bail to the petitioner.

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5.The affidavit filed by the petitioner was handed over to the respondent police for verification. But the respondent police is not able to verify as to whether the petitioner's vehicle was rented to the said Arumugam or not. It shows their inability to verify the true facts.

6.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain 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.I, Sivagangai 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:



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[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 trial Court on summons.

[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.

sd/-
10/10/2023

/ TRUE COPY /

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

GNS



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.I
SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES CID, SIVAGANGAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-14960[I] dated 11/10/2023)

ORDER
IN

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Date :10/10/2023

SS/VRS/18/10/2023/5P/6C

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