



CRL OP(MD). No.19348 of 2023

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

Date : 26/10/2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL
CRL OP(MD). No.19348 of 2023

M Bharathi

... Petitioner / Not Known

Vs

The State of Tamil Nadu through
The Inspector of Police,
CSCID Police Station,
Trichy District.
(Crime No.140/2023.)

... Respondent / Complainant

For Petitioner : Mr.R.Vijayaragavan, Advocate

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.140/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 6(4) TN Scheduled Commodities (RDCS) Order, 1982 read with Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.140 of 2023, on the file of the



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respondent, filed this petition under Section 438 of Cr.P.C., praying to grant an order of pre-arrest bail.

2. The case of the prosecution is that when the respondent Police was on patrolling duty in Somarasam Pettai to Kuzhumani Road on 18.10.2023 at 17.00 hours, the respondent Police has intercepted the vehicle bearing Registration No.TN 37 Y 0556 Tata Sumo and found 500kgs of PDS rice without license or permission. Hence, the respondent has registered a case in Crime No.140 of 2023 under Section 6 (4) TN Scheduled Commodities (RDCS) Order, 1982 read with Section 7(1)(a)(ii) of the Essential Commodities Act, 1955.

3. The learned counsel for the petitioner submitted that though he is arrayed as A2, his name does not find in the FIR. The petitioner has not committed any offence as alleged, he has been falsely implicated in this case. The respondent is searching the petitioner. Hence, the petitioner apprehends that he may be arrested by the respondent at any time. Hence, the petitioner filed this petition under Section 438 of Cr.P.C., praying to grant an order of pre-arrest bail. He prayed to allow the petition.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the respondent has arrested the first accused and seized 500 kgs of PDS rice in the Tata Sumo vehicle. Based on the confession of first



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accused, the petitioner has been arrayed as Accused No.2. The petitioner is the owner of the vehicle. The investigation is not yet completed. Accordingly, he raised objection to the petition.

5. Heard on both sides. This Court has perused the petition and the copy of FIR.

6. Admittedly, the petitioner has no previous case and he has permanent residence. Hence, there is no possibility for absconding. Considering the quantity of PDS rice alleged by smuggled and transported by the petitioner and other attending circumstances, this Court is inclined to allow the petition, however subject to the conditions:-

7. Accordingly, this Criminal Original Petition is allowed. Pre-arrest bail order is granted to the petitioner subject to the following conditions:-

i) the petitioner is ordered to be released on bail in the event of his arrest or on his surrender before the learned Judicial Magistrate No.VI, Trichy, within 15 days from today, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy;

(ii) the petitioner shall appear before the respondent police weekly twice ie., on every Monday and Friday at 10.00 a.m., until further orders;



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(iii) the petitioner and the sureties shall affix their photographs and left thumb impression in the application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate may obtain a copy of any one of identity proof to ensure their identity;

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation;

(vi) If the petitioner absconds, a fresh FIR shall be registered under Section 229 (A) of IPC;

(vii) on breach of any of the aforesaid conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law, as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283].

sd/-
26/10/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM



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To
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- 1.The Judicial Magistrate No.VI,
Trichy.
 - 2.Do through the Chief Judicial Magistrate,
Trichy District.
 - 3.The Inspector of Police,
CSCID Police Station,
Trichy District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.VIJAYA RAGAVAN, Advocate (SR-15634[I] dated 30/10/2023)

ORDER
IN
CRL OP(MD) No.19348 of 2023
Date :26/10/2023

ED/VRS/SAR- (02/11/2023) 5P / 6C

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