



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.23118 of 2022

S.Saravanan

... Petitioner/Accused
Rank Not Known

-vs-

The State represented by
The Inspector of Police,
Civil Supplies CID,
Sivagangai District.
(in Cr.No.160 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.160 of 2022.

For Petitioner
For Respondent: Mr.P.Karthick, Advocate
: Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)
*******ORDER**

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Clause 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of EC Act, 1955 in Crime No.160 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner was illegally transported 3100 Kgs of PDS rice worth about Rs.1,02,300/-. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and based on the confession of the arrested accused, he has been been falsely implicated in this case. He would also submit that the arrested accused have been enlarged on bail. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioner was illegally transported 3100 Kg of PDS rice worth about Rs.1,02,300/-. He would further submit that the petitioner has one previous case pending against him in similar nature. Further, considering the gravity of the offence, he strongly opposed to grant anticipatory bail to the petitioner.



5.At this juncture, the learned Counsel for the petitioner would submit that without prejudice his rights and defence, the petitioner is ready and willing to deposit Rs.75,000/- to any welfare scheme of the Government.

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6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of **Rs.75,000/- to the District Revenue Officer, Sivagangai District**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate-II, Sivagangai.

8.On production of such receipt, 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, 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:

[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 respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

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

CMR

TO

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

COPY TO :
THE DISTRICT REVENUE OFFICER,
SIVAGANGAI DISTRICT.

ORDER
IN
CRL OP(MD) No.23118 of 2022
Date :02/01/2023

USK/VR/SAR-I/09.01.2023/3P/6C