



Crl.O.P.(MD) No.23563 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

[Criminal Jurisdiction]

Date : 28.12.2023

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

Crl.O.P.(MD) No.23563 of 2023

Sankarapandian @ Sakkarai

... Petitioner/1st Accused

Vs

State Rep by
The Inspector of Police,
Civil Supplies C.I.D.,
Dindigul.
Crime No.226 of 2023

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar, Advocate

For Respondent : Mr.B.Thanga Aravinidh

Government Advocate (Crl.Side)

PRAYER: Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail to the petitioner in Crime No.226 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.12.2023 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant an order of pre-arrest bail.



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2. The petitioner / 1st Accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) of the Tamil Nadu Scheduled Commodities (Regulation of Distributions by Card System Order, 1982 (Act No.10 of 1955) r/w Section 7(1) (a)(ii) of Essential Commodities Act, 1955 in Crime No.226 of 2023, on the file of the respondent police.

3. The case of the prosecution is that on 08.12.2023, at about 12.00 p.m, the petitioner along with the other accused were illegally in possession of 700 Kgs of PDS rice. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and that no previous case is pending against the petitioner. He therefore prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent-police submitted that the petitioner has illegally transported 700 Kgs of PDS rice. He further submitted that if the petitioner is released on pre-arrest bail, there is a



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possibility of committing the similar offence in future. However, he fairly conceded that no previous case is pending against the petitioner.

6. Heard on both sides. This Court has perused the records.

7. The case of the prosecution is that the petitioner has illegally transported 700 Kgs of PDS rice. The petitioner has no any bad antecedents.

8. The petitioner has permanent residence and has deep roots in the society. Hence, there is less possibility of absconding. Considering the above and the fact that no previous case is pending against the petitioner, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:-

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.III, Dindigul, within a period of 15 days from today, on executing 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.III, Dindigul;



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(ii) The petitioner shall appear and sign before respondent police, daily at 10.00 a.m, until further orders;

(iii) 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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make himself available for interrogation by police as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave India without the prior permission of the Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial

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Magistrate/trial Court 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].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
28/12/2023

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/01/2024
Sub-Assistant Registrar (C.S. -I,II,III,IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.The Judicial Magistrate No.III,
Dindigul.
- 2.Do through the Chief Judicial Magistrate,
Dindigul District.
- 3.The Inspector of Police,
Civil Supplies C.I.D.,
Dindigul.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-18411[I] dated 28/12/2023)

ORDER
IN
CRL OP(MD) No.23563 of 2023
Date :28/12/2023

RK/DD(03/01/2024) 6P / 6C

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