



CRL OP(MD) No.59 of 2024

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.59 of 2024

1 ALAGUPANDIAN

2 MURUGAN

... Petitioners / Accused Rank not known

Vs

THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D
THOOTHUKUDI,
(CRIME NO.124/2023.)

... Respondent / Complainant

For Petitioners : M/s.T.Lenin Kumar, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.124/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Clause 6(4) of TNSC



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(RDCS) Order 1982 r/w 7(1)(a)(ii) of I.P.C in Crime No.114 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have illegally transported 22 bags of PDS Rice (each contains 50kgs). Thereby, a case has been registered against them.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioners, without prejudice to their rights, are ready to pay a sum of Rs.50,000/- to the Government Girls Higher Secondary School, Y.Othakadai, Madurai, for constructing a toilet and for putting a Napkin Vending Machine to the School.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners have illegally transported 22 bags of PDS rice (Each contains 50 Kgs).

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are undertaking to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) for constructing a toilet and for putting a Napkin Vending Machine to the Government Girls Higher Secondary School, Y.Othakadai, Madurai, I am inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 and on further condition that:

(a).if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b).the petitioners are directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) for constructing a toilet and for putting a Napkin Vending Machine or any other facilities for the benefit of the girl students studying in the Government Girls Higher Secondary School, Y.Othakadai, Madurai and an appropriate proof shall be sent to the concerned learned Judicial Magistrate by the



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Headmaster of the said School and thereafter, sureties shall be accepted.

(c).the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c).the petitioner is directed to appear before the respondent police as and when required for interrogation.

(d).the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e).the petitioners shall not abscond either during investigation or trial;

(f).on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and;



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(g).if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/01/2024

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

TSG

To

1.The Judicial Magistrate No.IV,
Thoothukudi.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Civil Supplied C.I.D.,
Thoothukudi.

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

Copy to:

The Headmaster,
Government Girls Higher Secondary School,
Y.Othakadai, Madurai.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-253[I] dated 05/01/2024)



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ORDER
IN
CRL OP(MD) No.59 of 2024
Date :04/01/2024

ED/ JGB /SAR- (09/01/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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