



CRL OP(MD) No.1131 of 2024

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

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.1131 of 2024

RIYAZ AHAMED @ RIYAJ ALI

... PETITIONER/ ACCUSED

Vs

THE SUB INSPECTOR OF POLICE
CSCID POLICE STATION,
DINDIGUL DISTRICT.
MADURAI UNIT.
CRIME NO.222 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.P.KRISHNAVENI, Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.222 OF 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 under Sections 6(4) of TNSC (RDCS) order 1982 r/w 7 (a)(ii) of EC Act, 1955, in Crime No.222 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.12.2023, while the respondent police



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was conducting vehicle inspection, the accused persons were found with illegal possession of 1250kgs of ration rice for sale in open market. Hence the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he further submitted that the petitioner, is ready to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai, to show his bona-fide. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that the petitioner was found in illegal possession of 1250kgs of PDS rice and he is having four previous cases. However, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai, without prejudice to his rights and contentions to show his bona-fide, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be



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released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Dindigul District, 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 and on further condition that:

(a) if the petitioner 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 petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand) by way of Demand Draft/RTGS/NEFT to the credit of "Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai", without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(c) the sureties shall affix his photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

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

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

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

sd/-
29/01/2024

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/02/2024

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 DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE SUB INSPECTOR OF POLICE, CSCID POLICE STATION,
DINDIGUL DISTRICT, MADURAI UNIT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE, ROJAVANAM,
HOME FOR AGED AND POOR, ULAGANERI, MADURAI.

ORDER

IN

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Date :29/01/2024

RS/VR/SAR-(01.02.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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