



CRL OP(MD) No.1290 of 2024

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1290 of 2024

BALASINGH

... PETITIONER/ ACCUSED 2

Vs

THE INSPECTOR OF POLICE
CSCID NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO.116 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.RAMAKRISHNAN KA. Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.116 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

(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.116 of 2023, on the file of

<https://www.mhctn.gov.in/judis>



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the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that the petitioner along with the other accused persons were found with illegal possession of 3040 of Kgs of PDS rice. 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. He further submitted that this is the second anticipatory bail petition, earlier petition in Crl.O.P(MD).No.20753 of 2023 was dismissed by this Court on 20.11.2023, on the ground that one similar case is pending against the petitioner. However, on instructions, he further submitted that the petitioner, is ready to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Government Rehabilitation Home for Leprosy, Kottaimedi, Y.Pudupatti, Arumbanoor Post, Madurai, Account No.10111535878, State Bank of India, Othakadai, to show his bona-fide. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl. Side) appearing for the respondent police submitted that the petitioner was found in illegal possession of 3040 Kgs of PDS rice and also submitted that three previous cases are pending against the petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. This is the second anticipatory bail petition, the earlier petition filed by the



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petitioner in CrI.O.P(MD).No.20753 of 2023 was dismissed by this Court on 20.11.2023, on the ground that one similar case is pending against the petitioner. It appears that after dismissal of the earlier order, the Law Enforcing Agency has not taken any steps to secure the petitioner.

6.Considering the facts and circumstances of the case and the allegation levelled against the petitioner and also the fact that after dismissal of the earlier order, Law Enforcing Agency has not taken any steps to secure the petitioner, I am inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari 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;



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(b) The petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) by way of Demand Draft/RTGS/NEFT to the credit of "Government Rehabilitation Home for Leprosy, Kottaimedi, Y.Pudupatti, Arumbanoor Post, Madurai, Account No.10111535878, State Bank of India, Othakadai," 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 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/



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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/-
30/01/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO
1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
CSCID NAGERCOIL,
KANYAKUMARI DISTRICT.

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



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THE OFFICER INCHARGE,
GOVERNMENT REHABILITATION HOME FOR LEPROSY,
KOTTAIMEDI, Y.PUDUPATTI, ARUMBANOOR POST,
MADURAI

ORDER
IN
CRL OP(MD) No.1290 of 2024
Date :30/01/2024

SA/JGB/SAR. /06.02.2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.