



CRL OP(MD) No.1383 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Thirty First day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1383 of 2024

S GAVASKAR

... Petitioner / Accused Noo.9

Vs

THE INSPECTOR OF POLICE
CIVIL SUPPLIES CID,
TIRUNELVELI.
(CRIME NO. 28/2024)

... Respondent / Complainant

For Petitioner : 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 CR.NO. 28/2024 ON THE FILE OF THE
RESPONDENT POLICE.



CRL OP(MD) No.1383 of 2024

ORDER: The Court Made the following order :-

WEB COPY

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.28 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.01.2024, while the respondent police surveillance near Arugankulam, the accused persons were found with illegal possession of 566 bags of PDS rice (each contains 40 Kgs). 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.20,000/- (Rupees Twenty 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 Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was found in illegal possession of 566 bags of PDS rice (each contains 40 Kgs) and also submitted that one previous case is pending against the petitioner. Hence, he strongly opposed to grant anticipatory



CRL OP(MD) No.1383 of 2024

bail to the petitioner.

WEB COPY

5.Considering the facts and circumstances of the case and the allegation levelled against the petitioner and also considering the antecedents of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6.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.II, Tirunelveli, 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.20,000/- (Rupees Twenty Thousand only) 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,



CRL OP(MD) No.1383 of 2024

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 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;



CRL OP(MD) No.1383 of 2024

WEB COPY

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

sd/-
31/01/2024

/ TRUE COPY /

/01/2024

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

TTA

To

1.The Judicial Magistrate No.II,
Tirunelveli.

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

3.The Inspector of Police,
Civil Supplies C.I.D.,
Tirunelveli.

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

Copy to:

The Officer Incharge,
Rojavanam,
Home for Aged and Poor,
Madurai.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-1224[I] dated 31/01/2024)



WEB COPY



CRL OP(MD) No.1383 of 2024

ORDER
IN
CRL OP(MD) No.1383 of 2024
Date :31/01/2024

ED/ /SAR- (31/01/2024) 6P / 7C

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