



CRL OP(MD) No.2230 of 2024

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

Wednesday, the Fourteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2230 of 2024

VISHWA @ VISHWABARATH

... PETITIONER/ SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
CSCID, MADURAI,
MADURAI DISTRICT.
(IN CRIME NO.21 OF 2024)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.BALAJI, 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.21 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the



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respondent police for the alleged offence under Section 6(4) of the Tamil Nadu Scheduled Commodities (Regulation of Distribution by Call System) Order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.21 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that based on the secret information, on 27.01.2024, the respondent police inspected the petitioner's property situated at Kanmaikarai Near, J.J.Nagar, Rajaman Nagar, Chinna Anupanani, Madurai and they found that the petitioner was in possession of 1650kgs of PDS rice without any valid documents. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submitted that the petitioner, without prejudice to her rights, is ready to deposit a sum of Rs.5,000/- to the District Siddha Medical Officer and hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State strongly opposed to grant bail stating that the petitioner was in illegal possession of 1650kgs of PDS rice. He fairly conceded that the petitioner has no previous case.

5.Considering the facts and circumstances of the case and also considering the allegation levelled against the petitioner and the petitioner has no previous case, this



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court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner 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, Madurai, 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) As per the undertaking given by the petitioner, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam, without prejudice to his defence before the trial Court and the concerned Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(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



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pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police 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/-

14/02/2024

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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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SJI
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CSCID, MADURAI,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT SIDDHA MEDICAL OFFICER,
CCRI, PERIYAKULAM.

+1 CC to M/s.A.BALAJI, Advocate (SR-1875[I] dated 14/02/2024)

ORDER
IN

CRL OP(MD) No.2230 of 2024

Date :14/02/2024

PKP/VR/SAR /20.02.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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