



CRL OP(MD) No.2731 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2731 of 2024

NAGARAJ @ NAGARAJAN

... PETITIONER/1st ACCUSED

Vs

THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D,
VIRUDHUNAGAR.
CRIME NO.24 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioner : M/S LENIN KUMAR.T Advocate

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

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO. 24 OF 2024 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / A1, who apprehends arrest at the hands of the respondent
police for the alleged offence under Clause 6(4) of TNSC (RDCS) Order 1982

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r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.24 of 2024, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the respondent police was on patrol duty, a Mahindra Bolero Pickup bearing Reg.No.TN-59-AL-4566 was found to be loaded 47 bags of rice (each containing 47 kgs). The seized rice was collected from the family card holders in that locality. 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, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- for the welfare of the patients in the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti, Arumbanoor Post, Madurai.

4.The learned Additional Public Prosecutor stongly opposed to grant anticipatory bail stating that the petitioner was transported 47 bags of PDS rice. However, he fairly conceded that no previous case is pending against him.



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5. Considering the facts and circumstances of the case and considering the fact that the petitioner has no previous antecedent, this Court is inclined to grant anticipatory bail to the petitioner.

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.I, Virudhunagar, 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 the petitioner, the petitioner is directed to deposit of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to the Government Rehabilitation home for leprosy Kottakai Medu, Y.Pudupatti,



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Arumbanoor Post, Madurai, by way of Demand Draft, 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 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;

(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;



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

sd/-
21/02/2024

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/02/2024

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

SJI
TO

1.THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D, VIRUDHUNAGAR.

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

COPY TO
THE OFFICER IN CHARGE,
GOVERNMENT REHABILITATION HOME FOR LEPROSY
KOTTAKAI MEDU, Y.PUDUPATTI,
ARUMBANOOR POST, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-2209[I] dated 22/02/2024)

ORDER IN
CRL OP(MD) No.2731 of 2024
Date :21/02/2024

RK/GS(26/02/2024) 5P / 7C

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