



CRL OP(MD) No.4457 of 2024

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

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 PRAKASH

2 VICKY @ VINESH

... PETITIONERS/ ACCUSED (RANK NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
CIVIL SUPPLIES CID,
VIRUDHUNAGAR.
CRIME NO.42 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.T.LENIN KUMAR, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (CrI.Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.42 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Clause 6(4) of Tamil Nadu Scheduled Commodities (RDSCS)
Order, 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Cr.No.42
of 2024, seek anticipatory bail.



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2. The case of the prosecution is that on 16.03.2024, a van bearing Registration No.TN 59 AK 6548 was found to be loaded with 22 bags of rice (each containing 50 kgs).

3. The learned counsel appearing for the petitioners would submit that the second petitioner was arrested on 20.03.2024. He would further submit that the first petitioner has not committed any offence as alleged by the prosecution. However, on instruction, he would further submit that the first petitioner, without prejudice to his rights, is ready to pay a sum of Rs.20,000/- through Demand Draft to the District Collector, Virudhunagar, and hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police strongly opposed to grant anticipatory bail stating that no previous case is pending against the petitioners.

5. Since the second petitioner was arrested on 20.03.2024, this Court is not inclined to grant anticipatory bail to the second petitioner.

6. Considering the facts and circumstances of the case and also considering the quantity of the PDS rice transported by the first petitioner, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7. Accordingly, the first 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



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of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, on condition that the first 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 first 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 first petitioner, the first petitioner shall make a non-refundable deposit of Rs.20,000/- (Rupees Twenty Thousand only) through Demand Draft to the District Collector, Virudhunagar District, for the welfare of the people, and the proof shall be filed before the trial Court. The concerned Magistrate, after perusing the proof, shall accept the sureties furnished by the petitioner. The District Collector, Virudhunagar District, shall utilize the said amount for the welfare of the people;

(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 first petitioner shall report before the respondent police daily at 10.30



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a.m, for a period of two weeks and thereafter, as and when required for
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interrogation;

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

(f)the first 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 first petitioner in accordance
with law as if the conditions have been imposed and the first 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/-
21/03/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1 THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, CIVIL SUPPLIES CID, VIRUDHUNAGAR.

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

COPY TO

THE DISTRICT COLLECTOR, VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3587[I] dated 22/03/2024)

ORDER
IN

CRL OP(MD) No.4457 of 2024

Date :21/03/2024

RS/GS/SAR-(28.03.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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