



CRL OP(MD). No.19840 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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Esakkipandian

... Petitioner/ Accused NO.7

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
CSCID Police Station,
Thoothukudi District.
Crime No. 120/2024..

... Respondent/Complainant

For Petitioner : Mr.S.. Anantha Murugan Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 120 of 2024 on the file of the Respondent police.

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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 6(4) of Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order, 1982 r/w Section 7 (1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.120 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and A2 used to procure rice meant for Public Distribution System at low price from the Family Card Holders and sell the same to A3 and A4. A3 and A4 in turn, sold the rice at Kerala. There are totally 7 accused persons in this case and the petitioner has been arrayed as A7.

3.The learned Government Advocate(Crl.side) submitted that A4, A5 and A6 were arrested in this case and the entire PDS rice to the tune of 21.5 tonnes was seized.

4.The learned Counsel appearing for the petitioner submitted that false case has been foisted as against the petitioner. The learned Counsel for the petitioner



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further submitted that the entire rice was seized from A5 who was arrested and later released on bail.

5.The earlier anticipatory bail petition filed by the petitioner was dismissed on two occasions. The change in circumstances is that this Court has granted anticipatory bail for A1 in CrI.O.P(MD) No.19313 of 2024, dated 08.11.2024.

6. Heard the learned counsel on either side, and perused the material records of the case.

7. Taking into consideration the facts and circumstances of the case and also the fact that the entire rice has now been seized from A4 and A5 and A5, A6 who were arrested were also released on bail and the fact that A1 was also released on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

8. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV,

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Thoothukudi District 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police at 5.30 p.m. on every Monday and Friday for a period of four weeks and thereafter, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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[g] if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-

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

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.IV, THOOTHUKUDI DISTRICT

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,
CSCID POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.S.ANANTHA MURUGAN, Advocate (SR-14086[I] dated 15/11/2024)

ORDER

IN

CRL OP(MD) No.19840 of 2024

Date :15/11/2024

RK/ (23/11/2024) 5P / 6C

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