



CRL OP(MD) No.20247 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.20247 of 2023

A.MUNNA MOHAMED

... PETITIONER / ACCUSED No.1

Vs

**THE INSPECTOR OF POLICE
THANJAVUR CSCID POLICE STATION
THANJAVUR DISTRICT,.
CRIME NO.73/2023.**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.I.PINAYGASH, Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO.73/2023 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 Sections 6(4) of Tamil Nadu Scheduled**

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Commodities (RDCS) Order, 1982 and 7(1)(a)(ii) Essential Commodities Act, in Crime No.73 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that on 28.06.2023, on secret information the respondent police conducted search and on search, they found that the accused No.2,4,5 and 6 were in possession of 9350 kgs of PDS rice worth about Rs.33,000/- and based on their confession, the petitioner herein has been arrayed as accused. Hence, a complaint has been lodged before the Law Enforcing Authority and the Law Enforcing Authority registered a case against the petitioner and the other accused.

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. He further submitted that this is the second anticipatory bail application. Earlier application filed by the petitioner in Crl.OP(MD)No.17953 of 2023 was dismissed by this Court, on 09.10.2023. He further submitted that only based on the confession of the co-accused 2,4,5 & 6, the petitioner has been arrayed as accused in this case and the co-accused 2,4,5 & 6 were already granted bail by this Court, in Crl.OP(MD)No.12708 and Crl.OP(MD)No.13470 of 2023 on 24.07.2023. Further, he is ready to abide any condition that may be imposed by this Court and also ready to



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deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, to show his bona-fide. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner and the other accused were found in possession of 9350 kgs of PDS rice worth about Rs.33,000/-. However, he fairly conceded that the co-accused were already granted bail by this Court.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, without prejudice to his rights and contentions to show his bona-fide, 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-II, Thanjavur, on condition that the petitioner shall execute a bond for a



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sum of Rs.15,000/- (Rupees Fifteen 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.15,000/- (Rupees Fifteen Thousand only) to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, 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. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during

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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/-
03/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.



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

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

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THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-123[I] dated 04/01/2024)

ORDER
IN

CRL OP(MD) No.20247 of 2023
Date :03/01/2024

PKP/VR/SAR- /08.01.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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