

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.13697 of 2018

SELVAM @ SELVARAJ,

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS

[RESPONDENT]

INSPECTOR OF POLICE,

CIVIL SUPPLY C.I.D.POLICE STATION,

POLLACHI, COIMBATORE DISTRICT.

CR.NO.121/2018

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w. 7(i)(a)(ii) of EC Act 1955 in Crime No.121 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution as per the defacto complainant is that the petitioner along with the other accused was found in illegally transporting 10 bags [50 Kgs each] of PDS Rice.

4. The learned counsel for the petitioner would submit that the petitioner is no way connected with the said offence and she has been falsely implicated in this case. The learned counsel for the petitioner would further submit that the petitioner is prepared to make a non-refundable deposit as per the direction of this Court.

5. The learned Additional Public Prosecutor would submit that the petitioner and the other accused were found in illegal possession of 500 Kgs of PDS Rice [50Kgs X 10 bags] which is meant for the supply to the consumers below the poverty line. He would also submit that the property was recovered.

6. Taking into consideration the nature of allegations against the petitioner, this Court is inclined to grant anticipatory bail to

the petitioner with a condition to make a **non-refundable deposit of a sum of Rs.5,000/- (Rupees Five thousand only)** in favour of the District Revenue Officer of the concerned District.

7. 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 IV, Coimbatore, on condition that of 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.

[a] The petitioner shall make a **non-refundable deposit of a sum of Rs.5,000/- (Rupees Five thousand only)** in favour of the District Revenue Officer of the concerned District on further condition that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] if the petitioner failed to surrender before the concerned Magistrate within a period of fifteen days, this Order shall stand automatically cancelled without any reference to the court.

[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 in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY C.I.D.POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.

5 THE DISTRICT REVENUE OFFICER,
COIMBATORE DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges-Sr.9668

CRL OP.13697/2018

Date :30/05/2018

ths : 31.05.2018