

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14184 of 2019

SETHU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CSCID, ERODE,
ERODE DISTRICT.
CRIME NO.70 OF 2019.

[RESPONDENT]

For Petitioner : M/S.C.S. SARAIVANAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodity (RDCS) Order, 1982 and r/w Section 7 (1)(A)(1)(ii) of the Essential Commodities Act, 1955, in Crime No.70 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 650 Kgs of PDS rice.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner was found in possession of 650 Kgs of PDS rice in five bags. She would also submit that the petitioner has no previous case against him. However, she vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner shall donate 5 bags containing 50 Kgs of Ponni rice to the **NL KARUNAI ILLAM, 88/2, Chennimalai Road, K.K.Nagar, Surampatti, Erode-638009, Ph..91-424-2277508** and on such donation, the petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-III, Erode, and on their executing 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 learned Magistrate concerned and the petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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;

[b] the petitioner shall donate five bags containing 50 Kgs of Ponni rice to the **NL KARUNAI ILLAM, 88/2, Chennimalai Road, K.K.Nagar, Surampatti, Erode-638009, Ph..91-424-2277508**.

[c] 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.

[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]; and;

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

-sd/-
06/06/2019

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.III,
ERODE

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID, ERODE,
ERODE DISTRICT

5 THE OFFICER INCHARGE
NL KARUNAI ILLAM,
NO.88/2, CHENNIMALAI ROAD,
K.K.NAGAR, SURAMPATTI,
ERODE 638009,
PHONE NO.91-424-2277508

+1 CC to M/S.C.S. SARAIVANAN Advocate on payment of necessary charges SR.NO.10831

CRL OP.14184/2019

Date :06/06/2019

cm 12/06/2019