

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17772 of 2019

1 RANJITH KUMAR
2 CHENNAMMAL

[PETITIONERS / ACCUSED]

Vs

[RESPONDENT]

THE STATE, REP. BY ITS
THE INSPECTOR OF POLICE,
CIVIL SUPPLIED C.I.D., (FOOD CELL)
VELLORE, VELLORE DISTRICT.
CR.NO.189 OF 2018.

For Petitioner : M/S.PAUL GNANAMUTHU 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of Tamil Nadu Schedule Commodities (TNSC) Regulation of Distribution through Card System (RDSC) Order, 1982 r/w.7(i)(a)(ii) of the Essential Commodities Act (E.C. Act) 1955 in Crime No.189 of 201, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in possession of 500 Kgs of PDS rice in 30 bags.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they were no way connected in this matter. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners was found in possession of 500 Kgs of PDS rice. However, she vehemently opposed to grant anticipatory bail to the petitioners.

5.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain

conditions. Accordingly, the petitioners shall donate 2 bags containing 50 kgs of Ponni rice to St. Anne's Home for the aged, R.S.Road, Gudiyatham, Vellore - 632 602, Ph: 04171 223737, and on such donation, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.IV Vellore 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 petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy madeready, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 first petitioner alone 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 and other petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

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-sd/-
08/07/2019

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.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLIED C.I.D., (FOOD CELL)
VELLORE, VELLORE DISTRICT.

5 THE ST. ANNES HOME FOR THE AGED,
R.S.ROAD, GUDIYATHAM,
VELLORE-632 602, PH: 04171 223737,

CC to M/S.PAUL GNANAMUTHU Advocate on payment of necessary
charges

CRL OP.17772/2019

Date :08/07/2019

TA-05/08/2019



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