

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6228 of 2020

1 R.ARUMUGAM @ LATTU

[PETITIONER / ACCUSED]

Vs

1 STATE REP. BY

THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
SALEM, SALEM DISTRICT,
(CRIME NO.129 OF 2019).

[RESPONDENT]

For Petitioner : M/S. B.VASUDEVAN Advocate

For Respondent : MR.C.IYYAPPARAJ
ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL 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 the Scheduled Commodities (RDCS) order 1982 and Section 7(1)(a) (ii) of Essential Commodities Act 1955 in Crime No.129 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that on 19.10.2019 at about 2.30 P.M., at Salem Town, Kondalapatti Roundana, the respondent police along with his team conducted raid to find out the crime. It is alleged that the petitioner was illegally in possession of 2 bags of ration rice (each bag contains about 100 kg of rice) worth about Rs.2,810/- without any valid license. On seeing the police, the petitioner left those bags of rice and ran away from the scene of occurrence. The respondent police seized the two bags of ration rice.

3. The learned counsel for the petitioner would submit that he is not the owner of the rice mill. He is only purchased the rice from the ration card holders. He has been illegal possession

of PDS rice. Hence, a case has been registered. For the enquiry, the petitioner is able to produce all the documents, vouchers and all the material evidence that he has not illegally taken away the PDS rice. He has purchased only through the other ration cards. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner was found in possession of PDS rice, illegally. Hence, a case has been registered. Although, the worth of rice said to have been in possession of the petitioner is about Rs.2,810/- Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Salem on 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 learned Magistrate concerned, 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 report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

-sd/-
18/03/2020

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.I,
SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION, SALEM,
SALEM DISTRICT

+1 CC to M/S. B.VASUDEVAN Advocate on payment of necessary charges SR.NO.5358

CRL OP.6228/2020

Date :18/03/2020

GKS:18/09/2020

WEB COPY