

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice T.RAJA

CRIMINAL ORIGINAL PETITION No.6664 of 2020

1 S.UDHAYAKUMAR

[PETITIONER / ACCUSED]

2 N.SENTHIL KUMAR

Vs

THE STATE REP.

[RESPONDENT]

SUB-INSPECTOR OF POLICE,
CSCID, SALEM (DISTRICT),
CR. NO. 149/2019

For Petitioner : M/S. VIJAYA ANANDH Advocate

For Respondent : MR.S.KARTHIKEYAN ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners/A2 & A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w. 7(1) (a) (ii) of EC Act, 1955, in Crime No. 149 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were alleged to have indulged in illegal transportation of 800 Kg of PDS rice in Mahindra Pick up Van bearing Registration No. TN-38-AX-1464. Further the accused used to purchase the Ration Rice from the Public and sell the same in other State for higher price, Hence the complaint.

3.Learned Additional Public Prosecutor would submit that there are totally there are two accused persons and the petitioners are having no previous case. Hence, he opposed for grant of anticipatory bail to the petitioners.

4.Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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.II, Salem, on condition that the petitioners 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 this Court concerned,

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 petitioners 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]**.

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

-sd/-

20/03/2020

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.II, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
CSCID, SALEM (DISTRICT),

CC to M/S. VIJAYA ANANDH Advocate on payment of necessary charges

CRL OP.6664/2020

Date :20/03/2020