

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8455 of 2020

1.Manikandan @ Sabarinathan ... 1st Petitioner/A1
2.Kandasamy ... 2nd Petitioner/A2

Vs.

State represented by, ... Respondent/Complainant
The Inspector of Police,
CSCID, Namakkal.
(Crime No.28 of 2020)

PRAYER: Criminal Original Petitioner has been filed under Section 438 Cr.P.C to grant anticipatory bail to the petitioners in the event of arrest or their appearance before any court in connection with Crime No. 28 of 2020, pending investigation on the file of respondent police.

For Petitioners : Mr.R.Prabakar
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 6 (4) of TNSC (RDCS) (Tamil Nadu Scheduled Commodities (Regulation of Distribution by Cart System)) Order 1982 read with Section 7(1)(a) (ii) of Essential Commodities Act of 1955, in Crime No.28 of 2020, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the petitioners are A1 and A3 and they are alleged to have illegally transported 350 kgs of PDS (Public Distribution System) rice. They are said to be rice collectors.

3 The learned counsel appearing for the petitioner would submit that the petitioners are innocent and they did not commit any offence as alleged by the prosecution and they had been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners were found to be in possession of 350 kgs of PDS rice. The learned counsel further submitted that there are no previous cases pending against these 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 are ordered to be released on bail in the are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for CSCID cases/ Judicial Magistrate Court No.II, Namakkal and each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 made ready, 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 donate 25 kgs of ponni rice to the **Udavum Karangal Adiannamalai, Girivalam Road, Tiruvannamalai 606 601, Near Varnalingam Temple Ph. 9940188051**

[c] the petitioners shall report before the respondent police daily at 10.30a.m., for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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]**.

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

-sd/-

11/06/2020

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 SPECIAL COURT FOR CSCID CASES/
JUDICIAL MAGISTRATE COURT NO.II, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
NAMAKKAL.

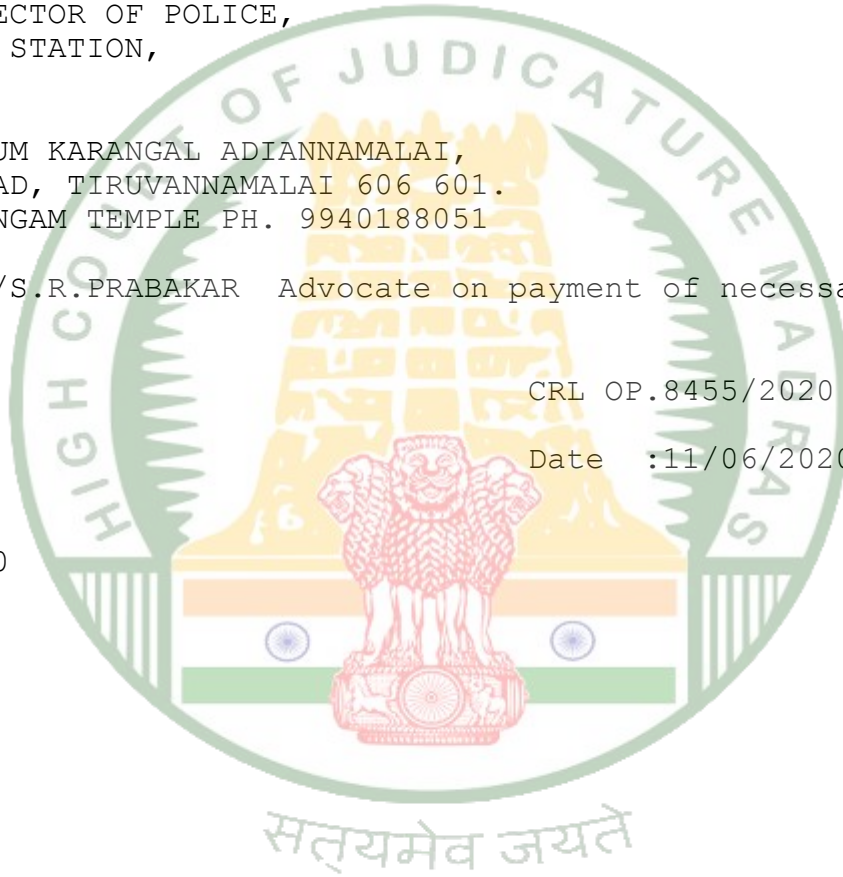
5 THE UDAVUM KARANGAL ADIANNAMALAI,
GIRIVALAM ROAD, TIRUVANNAMALAI 606 601.
NEAR VARNALINGAM TEMPLE PH. 9940188051

CC to M/S.R.PRABAKAR Advocate on payment of necessary charges

CRL OP.8455/2020

Date :11/06/2020

TA-17/07/2020



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