

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8876 of 2020

A.Senthil Vel,
S/o.Angamuthu,
No.255, Amman Street,
Veppilaipatti (Post),
Valapady Taluk,
Salem District-636 202.

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
CSCID, Chennai Unit-1, Ambattur,
Chennai-53.
Cr. No.79 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.79 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Kolandaivelu
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

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 (Regulation, Distribution by Card System) Order 1982, r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.79 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 1750 Kgs of PDS rice along with 22,000 kgs of Kurunai Tavitu, illegally. Hence the complaint.

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 1750 Kgs of PDS rice along with

22,000 kgs of Kurunai Tavitu, illegally. He would also submit that the petitioner has no previous case against him. However, he 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 is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of the **Chief Minister Public Relief Fund, Tamil Nadu** within a period of fifteen days from the date on which the order copy made ready, and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-I, Thiruvallur, on 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 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 deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of the **Chief Minister Public Relief Fund, Tamil Nadu** and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four 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.

24.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

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To

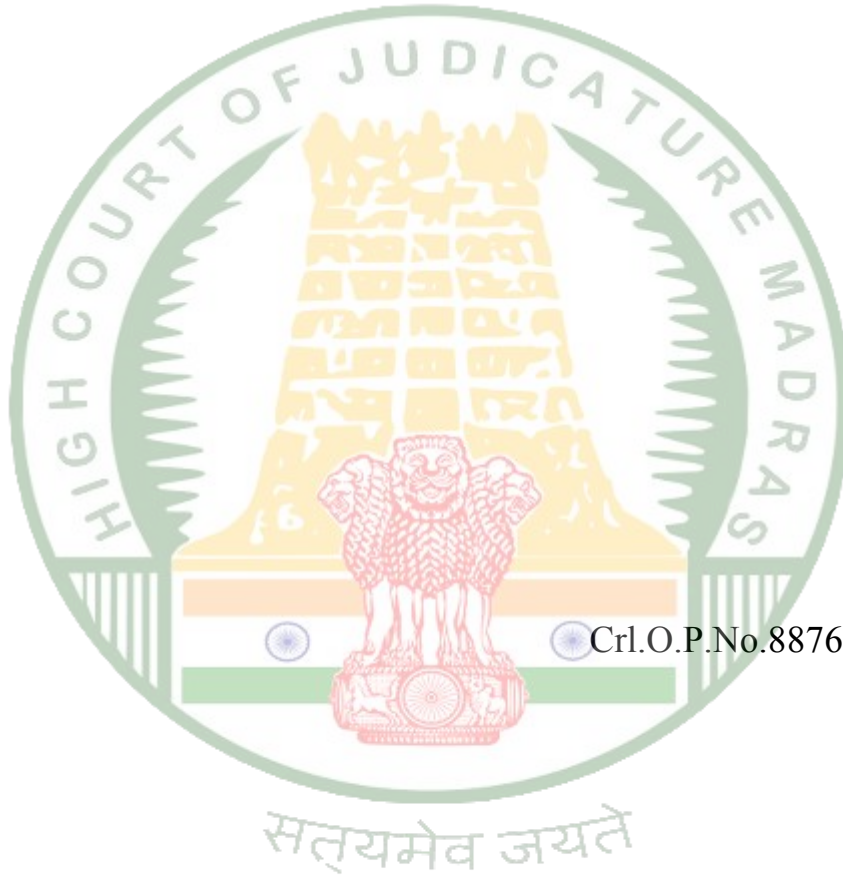
1. The Judicial Magistrate-I,
Thiruvallur,
2. The Inspector of Police,
CSCID, Chennai Unit-1, Ambattur,
Chennai-53.
Cr. No.79 of 2020

3. The Public Prosecutor,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J

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