

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23 .06.2020

CORAM

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

Crl.O.P.No. 9096 of 2020

Parimala
W/o. Late Ayyanar
North Vanniyar Street
Puthumariamman koil,
Ponnammapet, Salem District

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Salem Police Station, CSCID Chennai
Salem District
Cr. No.41 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 her arrest in
Crime No.41 of 2020 on the file of the respondent police.

For Petitioner : Mr. T. Shanmugam

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 (RDCS) Order, 1982 and r/w Section 7(1)(A)(1)(ii) of the Essential Commodities Act, 1955, in Crime No.41 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found transporting 1300 Kgs of PDS rice 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 she 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 transporting 1300 Kgs of PDS rice illegally. He would also submit that the petitioner has no previous case against him.

However, he vehemently 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 shall donate a sum of Rs.50,000/- (Rupees fifty thousand only) to the **Cancer Institute, Adyar, Chennai** within a period of fifteen days from the date on which the order copy made ready, and on such donation, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate-2, Salem, 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 donate a sum of Rs.50,000/- (Rupees fifty thousand only) to the **Cancer Institute, Adyar, Chennai**, 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 two 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.

23.06.2020

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

To

1. The Inspector of Police,
Salem Police Station, CSCID Chennai
Salem District
2. The Public Prosecutor,
Madras High Court,
Chennai.

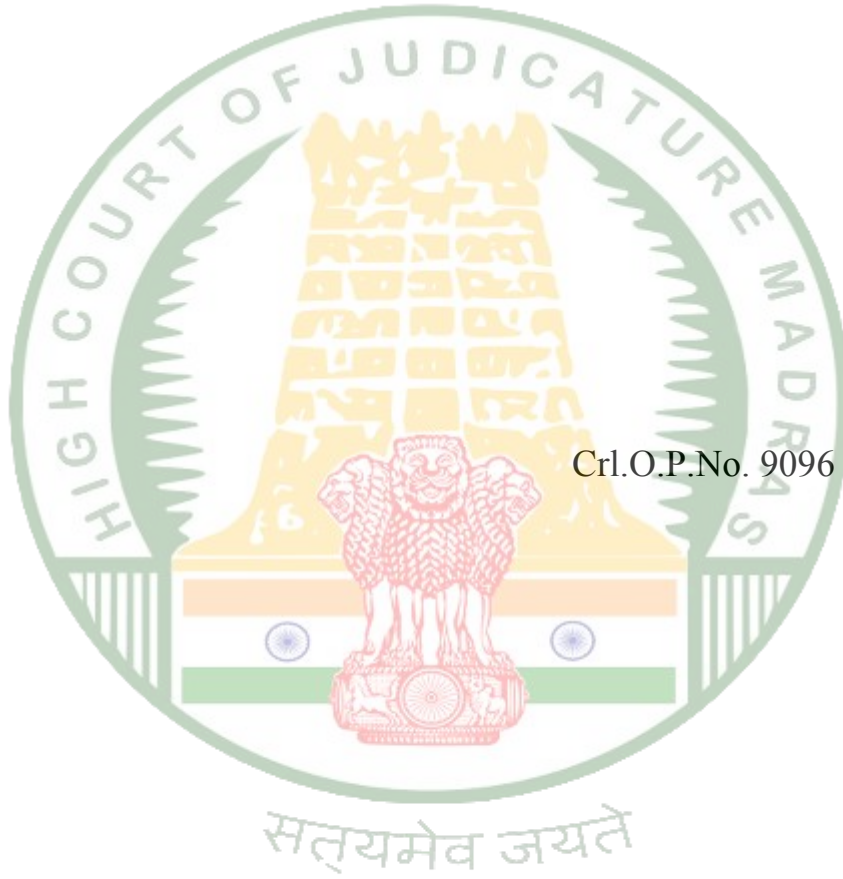


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