

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9516 of 2020

Chandrasekaran

... Petitioner/2nd Accused

Vs.

The State represented by
The Inspector of Police,
CSCID Police Station,
Erode District.
(Crime No.43 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.43 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Ranjith Kumar

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

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order 1982 & Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.43 of 2020, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner was found in possession of 750 Kgs of PDS rice in thirty bags (each bag contains 25 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 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 750 Kgs of PDS rice illegally. He would also submit that the petitioner has no previous case against him. He further submitted that the petitioner is the owner of the vehicle. 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.15,000/- (Rupees Fifteen Thousand only) to the Aringar Anna Cancer Institute, Kancheepuram, 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 his appearance before the learned Judicial Magistrate-III, Erode, on executing a separate 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.15,000/- (Rupees Fifteen Thousand only) to the Aringar Anna Cancer Institute, Kancheepuram 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.

-sd/-
29/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, ERODE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
ERODE DISTRICT.

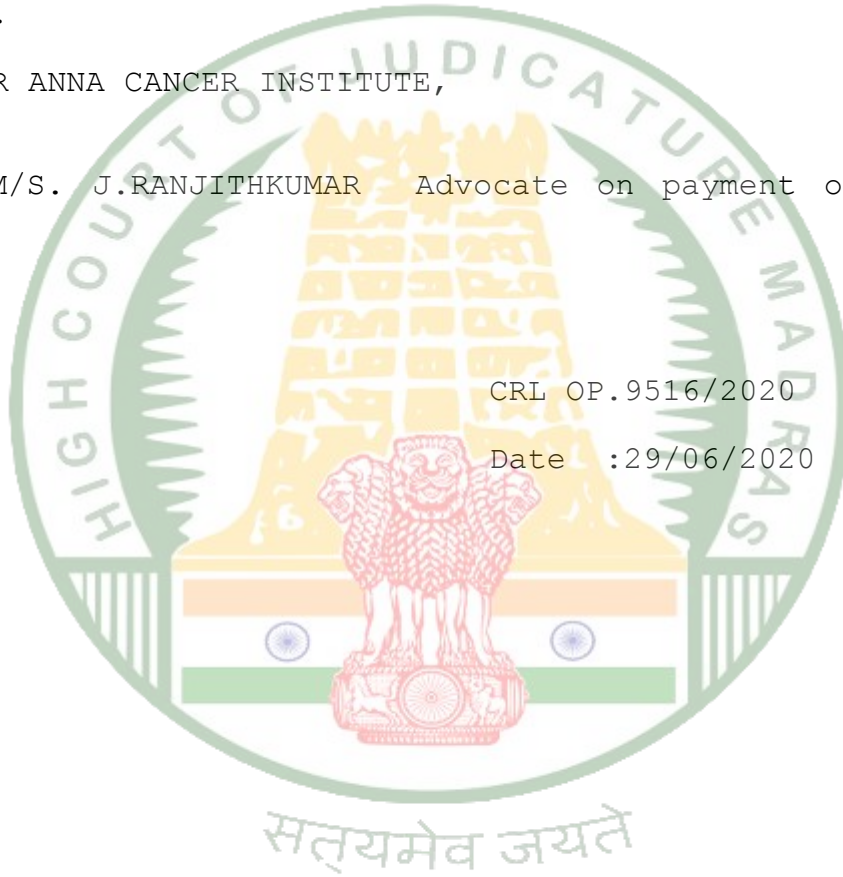
4 THE ARINGAR ANNA CANCER INSTITUTE,
KANCHEEPURAM.

CC to M/S. J.RANJITHKUMAR Advocate on payment of necessary
charges

cs 24/07/2020

CRL OP.9516/2020

Date :29/06/2020



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