

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.07.2020
CORAM
THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN
Cr1.O.P.No.10000 of 2020

Madesh

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
C.S.C.I.D Police Station,
Krishnagiri District.
Crime No.29 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.29 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.M.Mohammed 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 read with Section 7(i) a(ii) of the Essential Commodities Act, 1955, in Crime No.29 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 300 Kgs. of PDS rice in six bags. 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 300 Kgs. of PDS rice illegally. He would also submit that there are two previous cases as against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable to 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-No.I, Krishnagiri, 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.25,000/- (Rupees Twenty Five Thousand only) as non refundable to the Chief Minister Public Relief Fund, Tamil Nadu, within a period of fifteen days from the date on which the order copy made ready.

[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/-

03/07/2020

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C.S.C.I.D.POLICE STATION,
KRISHNAGIRI DISTRICT.

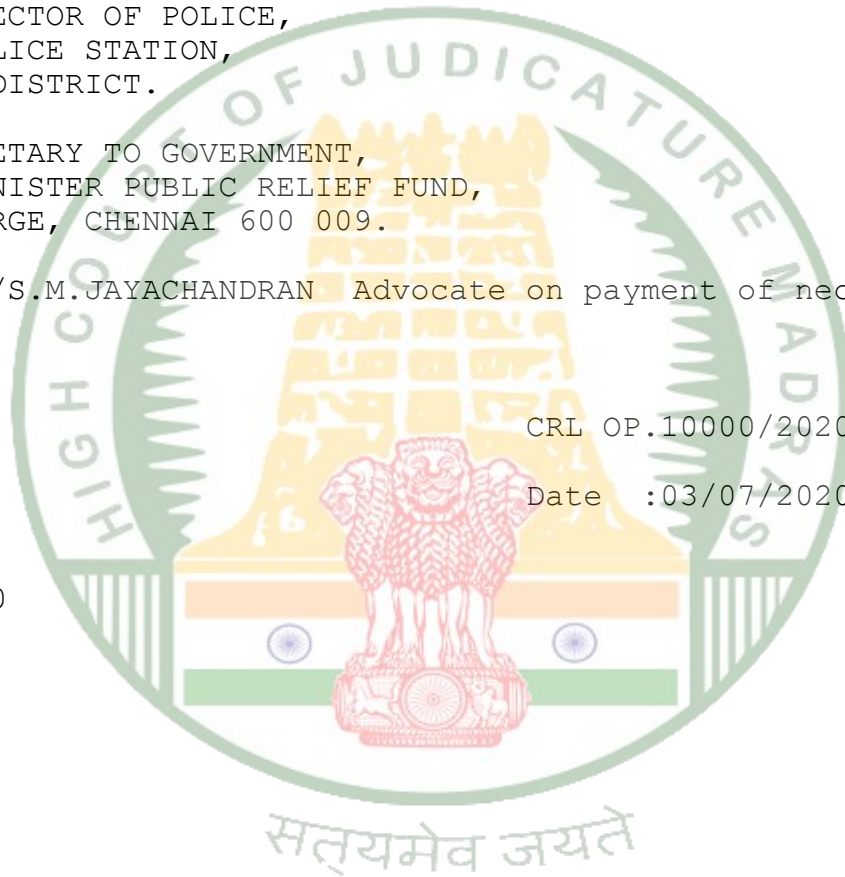
5 THE SECRETARY TO GOVERNMENT,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST. GEORGE, CHENNAI 600 009.

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

CRL OP.10000/2020

Date :03/07/2020

TA-28/07/2020



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