

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20970 of 2020

Pandri @ R.S.Panduranga

..Petitioner/A-4

Vs.

State represented by
The Inspector of Police,
Civil Supply C.I.D. (Food Cell),
Vellore.
(Crime No.120 of 2020)

..Respondent

Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.120 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Paul Gnanamuthu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate
(Crl.Side)

O R D E R

(The case has been heard through video conference)

It is seen from the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) that the petitioner along with three other accused are charged for the offence under Section 6(4) of the Tamil Nadu Scheduled Commodity (Regulation, Distribution by Card System) Order, 1982, r/w 7(i)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.120 of 2020 on the file of the respondent/police.

2. The case of the prosecution as per the defacto complainant is that the respondent police got information that the accused person had been transporting PDS rice in his Van following which, the vehicle was detained and checked and it was containing 2,000 Kgs of PDS rice without proper license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the first and the second accused have already been arrested and released on bail by this Court vide order dated 15.09.2020 in CrI.O.P.No.14346 of 2020 and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the petitioner was illegally transporting 2,000 Kgs of PDS rice, without obtaining proper license. He further submitted that there is no previous case pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5. Co-accused had been released on bail and the investigation is also completed. Therefore, this Court is of the opinion that the petitioner may be released on Anticipatory Bail on his depositing a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to The Commissioner, Corporation of Vellore, for the purpose of using "Amma Unavagam" without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:-

(a) The petitioner is directed to deposit a sum of Rs.25,000/- as non-refundable deposit either through RTGS/NEFT or in cash in favour of the "The Commissioner, Corporation of Vellore, for the purpose of "Amma Unavagam" within a period of fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court-IV, Vellore, failing which the petition for anticipatory bail shall stands dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[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 the 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 is 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
30/12/2020

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 JUDICIAL MAGISTRATE,
NO.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

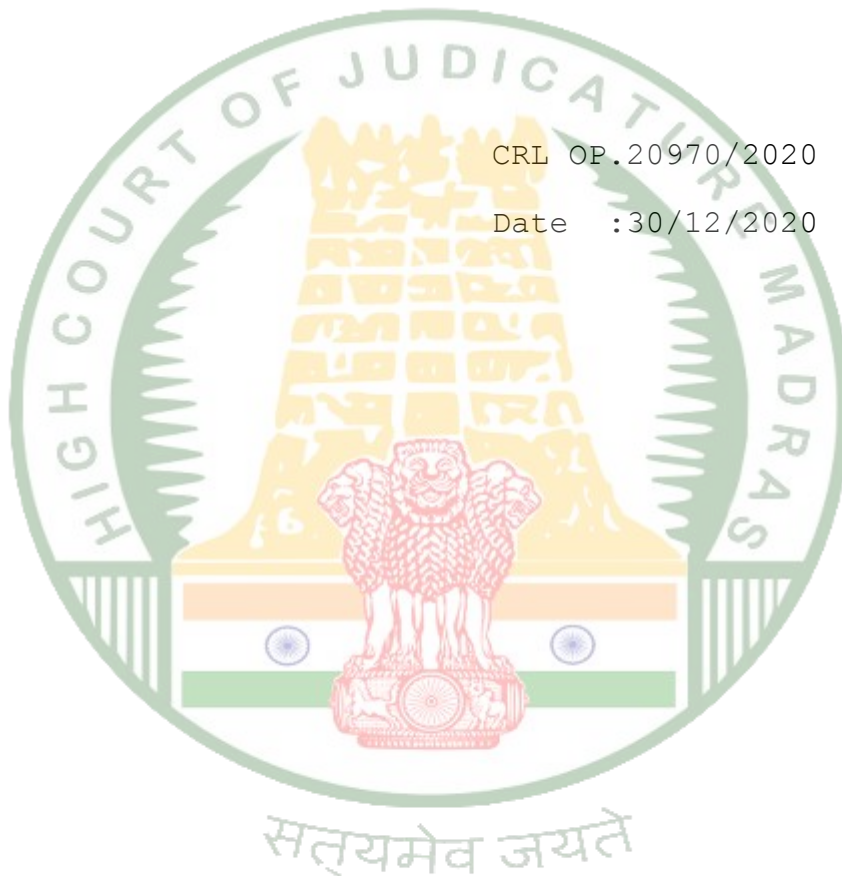
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CIVIL SUPPLY C.I.D. (FOOD CELL),
VELLORE,
VELLORE DISTRICT.

5 THE COMMISSIONER,
CORPORATION OF VELLORE,
FOR THE PURPOSE OF "AMMA UNAVAGAM".

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

cs 05/02/2021



CRL OP.20970/2020

Date :30/12/2020

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