

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1743 of 2021

S.Basheer

... petitioner

Vs.

State rep. By Respondent
The Inspector of Police,
Civil Supply C.I.D. (Food Cell)
Vellore, Vellore District.
(Crime No.Not Known of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.Not Known of 2021, pending investigation on the file of the respondent.

For Petitioner : Mr.G.Thamizhazhagan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of the Tamilnadu Schedule Commodities (TNSC) Regulation of Distribution through Card System (RDCS) order, 1982 r/w.7(1)(a)(ii) of the Essential Commodities Act (E.C.Act) 1955 in Crime No.Not Known of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is said to have transported 450 kgs of PDS Rice illegally. Hence, the complaint.

3. The learned counsel for the Petitioner would submit that the petitioner is an innocent person and he 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 appearing for the State would submit that the petitioner is said to have transported 450 kgs of PDS rice illegally. He would further submit that there is no previous case pending against the petitioner.

5. In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner shall be directed to make a payment / donation for a sum of Rs.10,000/- (Rupees Ten Thousand only), to 'Madras High Court Advocate Clerks' Association, Indian Bank, High Court Branch, A/C.No.484077244, IFSC Code. No. IDIB000M157 without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has deposited 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.

7. The petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) either through RTGS/NEFT or in cash in favour of 'Madras High Court Advocate Clerks' Association, Indian Bank, High Court Branch, A/C.No.484077244, IFSC Code. No. IDIB000M157, and on such payment and production of proof of deposit of the above amount, he shall be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate IV, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically 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 report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
08/02/2021

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 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.

5 THEMADRAS HIGH COURT ADVOCATE
CLERKS ASSOCIATION, INDIAN BANK,
HIGH COURT BRANCH, A/C.NO.484077244,
IFSC CODE.NO.IDIB000M157,

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

सत्यमेव जयते CRL OP.1743/2021

Date :08/02/2021

TA-22/02/2021

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