IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.2636 of 2021

NARESHKUMAR [PETITIONER/ACCUSED]

Vs

STATE REP BY, [RESPONDENT/COMPLAINANT]
THE INSPECTOR OF POLICE,
CSCID CHENNAI,
SALEM POLICE STATION, SALEM,
SALEM DISTRICT.
CRIME NO.18 of 2020.

For Petitioner : M/S.R.SANKARASUBBU Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Section 6(4) of Tamilnadu Scheduled Commodities (RDCS) Order 1982, r/w. Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.18 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on routine checkup they intercepted a lorry and found 1140 kg of PDS rice without valid permit. On enquiry it was found that the petitioner along with A1 has transported the PDS rice. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. Now, A1 has been arrested and released on bail and the petitioner is in no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was involved in transporting huge quantity of PDS rice unauthorizedly. He would further submit that A1 in this case has been arrested and released on bail.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Salem, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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.

(c) The petitioner shall appear 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].

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

WEB COPY

-sd/-
23/02/2021

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.

https://hcservices.ecourts.gov.in/hcservices/

TO

1 THE JUDICIAL MAGISTRATE NO.II,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID CHENNAI,
SALEM POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.R.SANKARASUBBU Advocate on payment of necessary charges SR NO. 2226

CRL OP.2636/2021

Date :23/02/2021

MN-05/03/2021

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/