

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4329 of 2021

PETCHIMUTHU

[PETITIONER/ACCUSED-2]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CSCID,
TIRUPPUR
(CRIME.NO.19/2021)

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.J.FRANKLIN 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 case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.19 of 2021 on the file of the respondent police for the alleged offence u/s 6(4) Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioner has been arrayed as A2 in the case. The allegation is that during routine raid, on a secret information, when the respondent police searched the shop premises in question, the petitioner was found to have stored 220 KGs of rice meant for Public Distribution System illegally for commercial purposes in his business premises. The case has been registered on a complainant from Grade I

Police Constable, CS CID, Tiruppur Unit.

4. The learned counsel for the petitioner would submit that the petitioner is innocent of alleged offences. When the petitioner had refused to meet out the illegal demands of the department officials, a false complaint was given implicating the petitioner.

5. The learned Additional Public Prosecutor would, however, submit that there is no previous case reported as against the petitioner.

6. Considering the facts and circumstances of the case and also the fact that the petitioner has no bad antecedents, 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-II, Tiruppur, Tiruppur District, 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 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 report before the respondent police as and when required by the police 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 has been released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-
04/03/2021

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 II,
TIRUPPUR.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID, TIRUPPUR.

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

CRL OP.4329/2021

Date :04/03/2021

EP-11/03/2021

WEB COPY