

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Sixth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5442 of 2021

ROJABANU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
NAGAPATTINAM,
NAGAPATTINAM DISTRICT
(CRIME NO.162 OF 2020)

[RESPONDENT]

For Petitioner : M/S.J.JAWAHAR Advocate

For Respondent : MR. 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 at the hands of the respondent police for the alleged offences under Section 6(2)(3) of TNSC (RDCS) Order r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.162 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a sales women in the fair price shop and she had taken a essential commodities/rice and sold it in the open market and misappropriated a sum of Rs.3,95,237. Hence, the case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner has no role to play. He would further submit that there is no previous case pending as against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has taken the PDS rice and sold it in the open market and misappropriated a sum of Rs.3,95,237/-. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the petitioner is being a lady and the investigation is almost completed and there is no previous case pending as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Nagapattinam, 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 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, this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.162 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready.

[b] the petitioner and the sureties shall affix his 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 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.

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

-sd/-
26/03/2021

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 NO.I,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
NAGAPATTINAM,
NAGAPATTINAM DISTRICT

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

CRL OP.5442/2021

Date :26/03/2021

MK:27/04/2021