

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5211 of 2021

1. Saravanan
2. Boobalan

... Petitioners

-Vs-

The State rep. by
The Inspector of Police,
Civil Supplies CID, Salem,
Salem District.
(Crime No.105 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the Petitioners on bail in the event of their arrest in Crime No.105 of 2020 on the file of the respondent police.

For Petitioners: Mr.C.Prakasam

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of E.C Act, in Crime No.105 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons were found in illegal possession of 975 kg of PDS rice. Hence, a complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners never indulged in any such offence as alleged by the prosecution. He would further submit that co-accused had already been arrested and thereafter, they were released on bail. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners along with other accused persons were found in illegal possession of 975 kg of PDS rice. He would further submit that there is one previous case pending against the 1st petitioner and there is no previous case pending against the 2nd petitioner. However, he opposed for grant of anticipatory bail to the petitioners.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Considering the fact that the entire contraband has already been seized and the other accused had already been released on bail, I am inclined to grant anticipatory bail to the petitioners with the following conditions:

[a] the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Salem, Salem District, on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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:

[b] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
16/03/2021

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,
SALEM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
SALEM, SALEM DISTRICT.

+1 CC to M/S.C.PRAKASAM Advocate on payment of necessary
charges SR NO. 3494

सत्यमेव जयते

CRL OP.5211/2021

Date : 16/03/2021

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