IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6318 of 2021

SULAIMAN [PETITIONER / ACCUSED]

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
SALEM, SALEM DISTRICT.
(CR.NO.71 OF 2020)

For Petitioner : M/S.C.PRAKASAM 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 at the hands of the respondent police in connection with the case in Crime No.71 of 2020 on the file of the respondent police for the alleged offence u/s 6(4) of TNSC (RDCS) Order, 1982 r/w 7(1)(a)(ii) of EC Act, seeks anticipatory bail.

2. The petitioner is arrayed as A2. The allegation is that the petitioner and other accused had procured PDS rice from various beneficiaries in order to sell to need customers on high price and sharing the profits.

3. The learned counsel for the petitioner submitted that petitioner is innocent of the alleged offence and he has been falsely implicated. The main accused, who was arrested and remanded to judicial custody and has been released on bail.

4. The learned Public Prosecutor strongly opposed the petition for anticipatory bail reiterating the allegations in the first information report. He however admitted the fact that the main accused had been released on bail.

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5. It appears that substantial part of the investigation is over with the search and seizure. The main accused had been granted bail. There is no previous case reported against the petitioner. Considering all the above and having regard to the nature of allegation made against the petitioner, 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 Judicial Magistrate-II, Salem, Salem 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 thereafter 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.

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-sd/-
30/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE JUDICIAL MAGISTRATE-II,
SALEM, SALEM DISTRICT.

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. 4296

CRL OP.6318/2021

Date :30/03/2021

MN-08/04/2021

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