

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6688 of 2021

GOBINATH

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CSCID-CHENNAI,
SALEM POLICE STATION,
SALEM DISTRICT.
CRIME NO.98 OF 2020.

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.S.MAYILNATHAN Advocate

For Respondent : M/S.KRITIKA KAMAL P. Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and 7(1)(a)(ii) of the Essential Commodities Act 1955, in Crime No.98 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner along with other accused persons were illegally in possession of 16,000 Kgs of PDS rice. The petitioner is the owner of the Auto Garage, and in the said crime the petitioner is arrayed as A1.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, in order to show his bona fide, and without prejudice to his rights, on his own volition is ready to deposit any considerable amount that may be ordered to be deposited by this Court.

4.The learned Government Advocate (Crl.Side) submits that the petitioner along with other accused persons were illegally in possession of 16,000 Kgs of PDS rice. She further submits that the petitioner is the owner of the Auto Garage and there is one previous case pending as against the petitioner. However, she vehemently opposed grant of anticipatory bail to the petitioner.

5. In the recent past smuggling of articles meant for public distribution has highly increased. This Court has granted anticipatory bail and bail in cases relating to articles meant for public distribution system, however, imposing certain stringent conditions, so as to prevent the commission of such crimes by imposing condition for payment. However, the amount that was directed to be deposited has not yielded proper result in curbing the menace.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel on either side and also the further fact that there is one previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner on the following conditions.

7. 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 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 and on further condition that:

(a) the petitioner shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) before the Commissioner, Civil Supplies and Consumer Protection Department, Ezhilagam, IV Floor, Chepauk, Chennai to the credit of Crime No. 98 of 2020 and produce proof thereof for the said payment before the concerned court at the time of execution of bond and sureties.

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) The said payment shall be made without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(d) 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;

(e) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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]; and;

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

15/04/2021

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.II,
SALEM.
2. THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT. (FOR INFORMATION)
3. THE INSPECTOR OF POLICE,
CSCID-CHENNAI,
SALEM POLICE STATION, SALEM DISTRICT.
4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
5. THE COMMISSIONER
CIVIL SUPPLIES AND CONSUMER
PROTECTION DEPARTMENT, EZHILAGAM,
IV FLOOR, CHEPAUK, CHENNAI.

+1 CC to M/S.S.MAYILNATHAN Advocate on payment of necessary charges SR NO.4808

CRL OP.6688/2021

Date :15/04/2021

TK/22.04.2021