

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7937 of 2021

KUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE HEAD CONSTABLE OF POLICE,
TIRUVARUR POLICE STATION,
CSCID, MADURAI DISTRICT
CRIME NO. 22/2021

For Petitioner : M/S.M.SRINIVASAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(2) (3)(4) of TNSC RDCS order 1982, r/w 7(1)(a)(ii) EC Act, 1955 in Crime No.22 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant, CSCID Head Constable was in a routine inspection found the petitioner and accused to be in transferring 1370 Kgs of PDS rice in gunny bags in a lorry and TATA ACE vehicles. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution. However, on instructions the learned counsel for the petitioner submitted that the petitioner is ready to deposit any amount to the District Medical Officer, Government Hospital, Tiruvarur, as ordered by this Court. Hence, he sought for grant of anticipatory bail to the petitioner .

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner along with other accused persons were caught by the respondent police when they were shifting the PDS rice to their vehicle. The respondent Police seized the materials and also seized Rs.2 Lakhs from the accused persons. He further submitted that already A9 has been granted anticipatory bail. He further submitted that no previous case is pending as against this petitioner.

5.Taking into consideration the facts and circumstances of the case and the fact that the co-accused was already granted anticipatory bail and also no previous case is pending as against this petitioner and the petitioner is ready to deposit any amount to the District Medical Officer, Government Hospital, Tiruvarur, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Tiruvarur" for the purpose of treating COVID-19 patients and produce the proof of such payment to the concerned Judicial Magistrate and on such deposit, 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, Tiruvarur, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Tiruvarur" for the purpose of treating COVID-19 patients and produce the proof of such payment to the concerned Judicial Magistrate.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

-sd/-
28/04/2021

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,
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION].

3 THE HEAD CONSTABLE OF POLICE,
TIRUVARUR POLICE STATION,
CSCID, MADURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE MEDICAL SUPERINTENDENT/AUTHORISED OFFICER,
GOVERNMENT HOSPITAL, TIRUVARUR.

+1 CC to M/S.BILAL HUSHAIN Advocate on payment of necessary charges
SR.NO. 5548

CRL OP.7937/2021

Date :28/04/2021

MN-17/05/2021