

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8784 of 2021

GOBINATH

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
CSCID-CHENNAI,
SALEM POLICE STATION.
CR.NO.58 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.MAYILNATHAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN, 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 offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodity (RDSCS) Order, 1982 and r/w Section 7 (1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.58 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 100 bags of PDS rice each bag containing 50 Kgs. Hence, the case was registered.

3. The learned counsel appearing for the petitioner submit that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner. However, without prejudice to their rights and contentions, the petitioner is willing to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to any public charity, as may be ordered by this Court.

4. The learned Additional Public Prosecutor submitted that the petitioner was found in possession of 100 bags of PDS rice each bags containing 50 Kgs. He also submits that there are two previous cases pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, and also the fact that the petitioner, on their own volition, are ready and willing to pay an amount of Rs.75,000/- (Rupees Seventy Five Thousand only) to any public charity, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is directed to pay a sum of Rs.75,000/- (Rupees seventy five thousand only) through NEFT/RTGS/Cash/Demand Draft to the Commissioner of Corporation, Salem for the purpose of spending the amount towards providing food to the needy through "Amma Unavagam" during the present pandemic situation and on production of the acknowledgement of such payment, 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 on which the order copy made ready, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

06/05/2021

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. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID-CHENNAI,
SALEM POLICE STATION.

5 THE COMMISSIONER OF CORPORATION,
AMMA UNAVAGAM,
SALEM.

+1 CC to M/S.S.MAYILNATHAN Advocate on payment of necessary
charges SR.NO.5862

CRL OP.8784/2021

Date :06/05/2021

TA-12/05/2021



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