



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11428 of 2021

P.Balasubramanian

.. Petitioner

Vs.

State of Tamilnadu
Represented by
The Inspector of Police,
CSCID-Salem,
Crime No.85 of 2021

.. Respondent

Prayer : This Criminal Original Petition filed under Section 438 of Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.85 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 6(3) and 14(1)(a) of TN Scheduled Commodities (RDCS) Order, 1982 read with Section 7(1)a(ii) of Essential Commodities Act 1955 and Sections 403 and 408 of IPC in Cr.No.85 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is working as Deputy Registrar, PDS, Salem has lodged a complaint stating that on 19.06.2021, during verification of Peramachur Ration Shop, there was shortage of goods, which is estimated at Rs.4,01,450/- Thereby, the Law Enforcing Agency registered a case against the petitioner.



3.The learned counsel appearing for the petitioner submit that the petitioner is innocent and he has not been committed any offence as alleged by the prosecution and the petitioner has repaid a sum of Rs.4,01,450/- and hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate submits that the petitioner has been repaid the misappropriated amount and hence, he has no serious objection to grant anticipatory bail to the petitioner.

5.Considering the fact that the petitioner has been repaid the entire value of shortage of goods viz., Rs.4,01,450/-, this Court is inclined to grant anticipatory bail to the petitioner.

6.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-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 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 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]; and;



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

WEB COPY

-sd/-
02/07/2021

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 SALEM.

+1 CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.No.7033

CRL OP.11428/2021

Date :02/07/2021

cs 22/07/2021