



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

Wednesday, the Eighteenth day of August Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14141 of 2021

U.MUSTAQ

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
THIRUVALLUR POLICE STATION,
CSCID-CHENNAI DISTRICT
(CRIME NO.201/2021)

For Petitioner : M/S.U.ASLAM Advocate

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

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

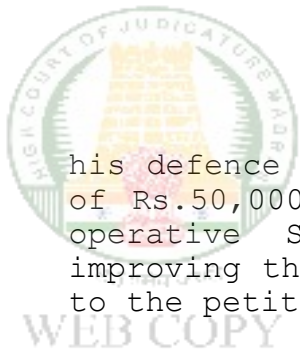
ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 6 (4) of TNSC(RDCS) Order 1982, r/w Section 7(i)(a)(ii) of Essential Commodities Act, 1955 in Crime No.201 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally transporting various PDS commodities viz., 13900 kgs of PDS Rice, 300 Kgs of Wheat, 800 Kgs of sugar, 110 box of oil cake and 20 box of Ponvandu soap. Hence, the case was registered against the petitioner on the complaint made by the defacto complainant.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is working as a Sale Person under the Tamil Nadu Co-operative Society at Ponneri Division and the present case has been registered only based on the confession made by the 5th accused and even his name was not found in the FIR. However, on instructions he would further submits that without prejudice to



his defence and contentions, the petitioner is ready to deposit a sum of Rs.50,000/- in favour of "The Special Officer, Tamil Nadu Co-operative Society, Ponneri Division, Thiruvallur District" for improving the society. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) opposed the grant of anticipatory bail by stating that the petitioner was illegally transporting various PDS commodities. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to pay contribute a sum of Rs.50,000/- for charitable purpose, 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 Court No.1, Thiruvallur 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.50,000/- in favour of " The Special Officer, Tamil Nadu Co-operative Society, Ponneri Division, Thiruvallur District" and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner

(b) 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;

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.

(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 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/-

18/08/2021

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.I, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUVALLUR POLICE STATION,
CSCID-CHENNAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SPECIAL OFFICER,
TAMIL NADU CO-OPERATIVE SOCIETY,
PONNERI DIVISION,
THIRUVALLUR DISTRICT.

CC to M/S.U.ASLAM Advocate on payment of necessary charges
Sr.8788

CRL OP.14141/2021

Date :18/08/2021

RVR 26/08/2021