



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.15558 of 2021

WEB COPY

A.Raghu

... Petitioner

Vs.

The State Represented by :-

**(*)The Inspector of Police,
Civil Supply CID Vellore,
Chennai District.**

(Crime No.188 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.188 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.Syed Nizamuddin Ahmed Hussaini

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

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 6 (4) of TNSC (RDCS) Order 1982 and Section 7(1)(a)(ii) of EC Act 1955 in Cr.No.188 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally transported 31100 kgs. of PDS rice without permission and the same was seized by the respondent Police.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and further that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.50,000/- for the purpose of improving and maintaining the Government Schools. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against the petitioner and the respondent was seized the subject property worth about Rs.1,70,000/-



5. Considering the facts and circumstances of the case and the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions:

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-IV, Vellore District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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/- (Rupees Fifty Thousand only) to the credit of the Chief Educational Officer, Vellore District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/ receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(b) 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;

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

(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.



7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Government Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
31/08/2021

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.

(*) Amended as per Order of this Court dated 26/10/2021 made in Crl.MP.10879 of 2021 in Crl.O.P.No.15558 of 2021.

TO

1 THE JUDICIAL MAGISTRATE-IV,
VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT (FOR INFORMATION).

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 **(*)THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID VELLORE,
CHENNAI DISTRICT.**

COPY TO

THE CHIEF EDUCATIONAL OFFICER,
VELLORE DISTRICT.

+1 CC to M/S. S.N.A.HUSSAINY Advocate on payment of necessary charges SR.NO.11779

CRL OP.15558/2021

Date :31/08/2021

INBA 13/09/2021

INBA-17/11/2021