



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19100 & 19205 of 2021

1 SAYED ABUDHAHIR [PETITIONERS / ACCUSED
2 SAYED MUSTHAFA IN CRL.O.P.No.19100/2021]

SHAKUL AHAMED [PETITIONER / ACCUSED
IN CRL.O.P.No.19205/2021]

Vs

THE STATE REP BY [RESPONDENT IN BOTH THE PETITIONS]
THE INSPECTOR OF POLICE,
CIVIL SUPPLY C.I.D.,
VILLUPURAM,
VILLUPURAM DISTRICT.
CRIME NO.161 OF 2021.

For Petitioner : M/S.E.KANNADASAN, Advocate
[IN BOTH THE PETITIONS]

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 6(4) of the Tamil Nadu Schedule Commodities (Regulation of Distribution through card system) order 1982 r/w.Section 7(1)(a)ii of the Essential Commodities Act, 1955, in Cr.No.161 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were in routine patrol duty at Villupuram by-pass road, the petitioners along with other accused persons, alleged to have been found in possession of 6 tonnes of PDS rice.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not commit any offence as alleged by the prosecution and they are innocent of the said commission of offence and they have been falsely implicated in this case. Further, the



learned counsel, on instructions submitted that the petitioners are ready to deposit a sum of Rs.1,00,000/- to the Chief Educational Officer, Villupuram District.

4. The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case and hence strongly opposed for grant of anticipatory bail to the petitioners.

5. Considering the nature of the case and based on the undertaking given by the petitioners to deposit the above said amount, I am inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned **(*)Judicial Magistrate No.I, Villupuram**, 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)if the petitioners failed to surrender before the concerned Magistrate within a period of four weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioners shall make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Chief Educational Officer, Villupuram District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, within a period of four weeks without prejudice to their 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 ;

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

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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.

7. In the result, these Criminal Original Petitions are 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 Commissioner of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
08/10/2021

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 19/11/2021 made in Crl.M.P.Nos.11814 & 11815/2021 in Crl.O.P.No.19100 & 19205/2021.

TO

**(*)THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM.**

2 THE JUDICIAL MAGISTRATE,
NO.I, CUDDALORE.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CIVIL SUPPLY C.I.D.,
VILLUPURAM, VILLUPURAM DISTRICT.



5 THE CHIEF EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT.

CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges

CRL OP.19100 & 19205/2021

Date :08/10/2021

TA-02/11/2021

TA-07/12/2021