IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20401 of 2020

R.Venkatesan ... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
CSCID Police Station,
Vellore District
(Crime No.159 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.159 of 2020 pending investigation on the file of the Respondent.

For Petitioners : M/s.M. Sathish Kumar

For Respondent : Mr.S. Karthikeyan
Addl.P.P

O R D E R

(The case has been heard through video conference)

The petitioner is A2. He apprehends arrest at the hands of the respondent police for the alleged offence under Section 6(4) of Tamilnadu Scheduled Commodities (RDCS) Order 1982, r/w. Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.159 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is the owner of the lorry, transported 2500 kgs of PDS rice illegally. Hence, the respondent police registered a case against the petitioner .

3. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the vehicle. The driver/A2, without the knowledge of the petitioner, transported the PDS rice illegally. A2 has been arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the driver/A2 has transported the PDS rice unauthorizedly based on the instructions given by the owner/petitioner. He would further submit that A2 in this case has been released on bail.

5. The learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to deposit a sum of Rs.15,000/-(Rupees Fifteen Thousand only) without prejudice to his defence.

6. Considering the facts and circumstances of the case, and taking note of the fact that the petitioner is prepared to deposit Rs.15,000/- without prejudice to his contention , this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

a) 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 Judge, Judicial Magistrate No.IV, Vellore,Vellore , on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only)with two sureties, 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:

[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 is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Tamil Nadu Advocate Clerks Association, Indian Bank, High Court Branch, (A/c.No.484026006, IFSC No.IDIB 000 M 157, E.Mail. tnaca 1913 @ gmail.com.), within a period of two weeks from the date of receipt of a copy of this order without prejudice to his rights and contentions before the trial Court;

WEB COPY

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[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.

https://hcservices.ecourts.gov.in/hcservices/

[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].

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/01/2021

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.IV, VELLORE, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION, VELLORE

5 TAMIL NADU ADVOCATE CLERKS ASSOCIATION,
INDIAN BANK, HIGH COURT BRANCH,
(A/C.NO.484026006, IFSC NO.IDIB 000 M 157,
E.MAIL. TNACA 1913 @ GMAIL.COM.)

CC to M/S M.SATHISH KUMAR Advocate on payment of necessary charges

CRL OP.20401/2020

Date :05/01/2021

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

cs 25/01/2021