



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.19479 of 2021

M.SELVARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
THIRUVALLUR CSCID POLICE,
TIRUVALLUR.
CRIME NO.270/2021.

For Petitioner : M/S.K.THENRAJAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 6(4) TNSC (RDCS) ORDER, 1982 r/w. 7 (1) (a) (ii) EC Act, in Crime No.270 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner was involved in illegal transportation of 3000 Kgs of PDS rice, and in the said crime the petitioner is arrayed as A4.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, in order to show his bona fide, and without prejudice to his rights, on his own volition is ready to deposit any considerable amount that may be ordered to be deposited by this Court.

4.The learned Additional Public Prosecutor submits that the petitioner was involved in illegal transportation of 60 number of rice bags weighing about each 50 kgs in all total 3000 kgs bags of PDS rice worth about Rs.16,950/-. He vehemently opposed grant of anticipatory bail to the petitioner.



5. In the recent past smuggling of articles meant for public distribution has highly increased. This Court has granted anticipatory bail and bail in cases relating to articles meant for public distribution system, however, imposing certain stringent conditions, so as to prevent the commission of such crimes by imposing condition for payment. However, the amount that was directed to be deposited has not yielded proper result in curbing the menace.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel on either side and also the further fact that there is one previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner on the following conditions.

7. 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 No-I, 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.20,000/- (Rupees Twenty Thousand only) before the Chief Educational Officer, Thiruvallur District to the credit of Crime No. 270 of 2021 and produce proof thereof for the said payment before the concerned court at the time of execution of bond and sureties.

(b) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) The said payment shall be made without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(d) 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 or voter ID or Driving Licence to ensure their identity;

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

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;



(h) 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;

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

-sd/-
12/10/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVALLUR CSCID POLICE,
TIRUVALLUR.

5 THE CHIEF EDUCATIONAL OFFICER,
THIRUVALLUR DISTRICT.

+1 CC to M/S.K.THENRAJAN Advocate on payment of necessary charges SR.NO.11463

CRL OP.19479/2021

Date :12/10/2021

TA-18/10/2021