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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21330 of 2021

S.R.Ganesan

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Civil Supply C.I.D.,
Villupuram,
Villupuram District.
Crime No.184 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest in Crime No.184 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

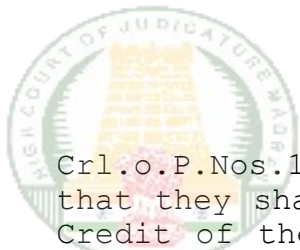
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest for the alleged offences under Section 6(4) 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 Crime No.184 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution that the petitioner along with other accused persons involved in illegal transportation of 11,650 kgs of PDS rice in a Ashok Leyland Taras lorry bearing Regn. No. TN-23-AC-3234, without obtaining any permission from the concerned authorities. Hence, the Law Enforcing Agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that after obtaining the anticipatory bail order in Crime No.161 of 2021 in



Crl.o.P.Nos.19100 and 19205 of 2021 dated 08.10.2021, with a condition that they shall make a non-refundable deposit of Rs.1,00,000/- 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 District. He also further submitted that after obtaining the anticipatory bail, the present crime has been registered. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice his rights, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the Advocates Clerk Welfare Association, High Court, Madras. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused persons had illegally transported 11,650 kgs of PDS rice in a Ashok Leyland Taras lorry bearing Regn. No. TN-23-AC-3234, He further submitted that there are 10 previous cases pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Villupuram, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Advocate Clerks Association , High Court, Madras, 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 petitioner and 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 report before the respondent police as and when required for interrogation.



[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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[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].

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

-sd/-

16/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VILUPPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE ADVOCATE CLERKS
WELFARE ASSOCIATION,
HIGH COURT, MADRAS

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+1 CC to M/S.E.KANNADASAN
charges SR.No.12858

Advocate on payment of necessary

CRL OP.21330/2021

Date :16/11/2021

APN 17/11/2021