



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

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

Cr1.O.P.No.21387 of 2021

1. Sayed Abudhahir ... Petitioners  
2. Sayed Musthafa  
(\*) 3. **Shakul Hameed**

Vs.

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

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

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Cr1.Side)  
[Cr1.O.P.No.21387 of 2021]

MR.A.GOKULAKRISHNAN,  
Additional public Prosecutor  
[Cr1.M.P.No.13672 of 2021]

ORDER

The petitioners, who apprehend 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, seek anticipatory bail.



2. The case of the prosecution that the petitioners along with other accused person 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 petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have 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 CrI.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 petitioners, without prejudice their rights, on their own volition, are ready and willing to contribute a sum of Rs.30,000/- to the Advocates Clerk Welfare Association, High Court, Madras. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that the petitioners along with other accused person 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 7 previous cases pending against the first petitioner, 6 previous cases pending against the second petitioner and 3 previous cases pending against the third petitioner. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Villupuram, on condition that the petitioners shall execute a separate 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] each of 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 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 petitioners;

WEB COPY

[b] the petitioners 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 petitioners are directed to report before the respondent police as and when required for interrogation.

[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 petitioners 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].

[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

TRUE COPY

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

**(\*)AMENDED AS PER ORDER OF THIS COURT DATED 17/12/2021 MADE IN CRL.MP.No.13672 OF 2021 IN CRL.O.P.No.21387 OF 2021**

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

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary  
charges SR.No.15022

CRL OP.21387/2021

Date :16/11/2021

APN 17/11/2021

JPA 23/12/2021