



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

Crl.O.P.Nos.22037and 22039 of 2021

Prakash

.. Petitioner
(Crl.OP.No.22037 of 2021)

Sakthi @ Sathiyarayanan

.. Petitioner
(Crl.OP.No.22039 of 2021)

Vs.

The State Represented by
Inspector of Police,
CSCID-Chennai,
Salem Police Station,
(Crime No.130 of 2021)

...Respondent
(in both Crl.OPs)

Common Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in connection with Crime No.130 of 2021 on the file of Salem Police Station, CSCID-Chennai.

For Petitioners : Mr.S.Mayilnathan
(in both Crl.OPs)

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

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 6 (4) of the Tamil Nadu Schedules Commodities (RDCS) Order, 1982 and 7 (1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.130 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the respondent police were carrying out their daily patrol relating to Essential Commodities Smuggling and hoarding, they found the petitioners were



in illegal possession of 14000 kgs of PDS rice. Hence, the respondent police registered the case against the petitioners.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submits that the petitioners, on their own volition, are ready and willing to contribute a sum of **Rs.50,000/-** (Rs.25,000/- each) to the credit of the **The Director, Cancer Institute(WIA), Adayar for treating Cancer patients**. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail by stating that petitioners were in illegal possession of 14000 kgs of PDS rice. He further submits that there are two previous cases each are pending as against the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of **Rs.25,000/-** each for charitable purpose, 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 -II, Salem** on condition that each of the petitioners shall execute separate bonds 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners are directed to deposit a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** each to the **The Director, Cancer Institute(WIA), Adayar for treating Cancer patients**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[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 on every wednesday at 10.30 a.m., for a



period of four weeks and thereafter as and 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/-
22/11/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID CHENNAI,
SALEM POLICE STATION.
SALEM.



5 THE DIRECTOR,
CANCER INSTITUTE (WIA)
ADAYAR.

+2 CC to M/S.S.MAYILNATHAN Advocate on payment of necessary
charges SR.NO.13175, 13176

CRL OP.22037 & 22039/2021

Date :22/11/2021

TA-01/12/2021