



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22369 of 2021

1.Gandhi
2.Rajkumar

...Petitioners

Versus

The State Rep by its
The Inspector of Police,
Civil Supplies CID,
Salem,
Salem District.
(Crime No.184 of 2012)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No.184 of 2012 pending on the file of the respondent police.

For Petitioners : Mr.C.Prakasam

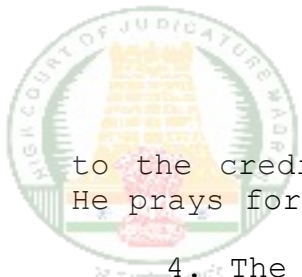
For Respondent : Mr.N.S,Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 6 (4) of TNSC (RDCS) Order 1982 r/w.7(1)(a)(ii) of E.C.Act 1955, in Crime No.184 of 2012 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused persons had illegally transported 2750 kg of PDS rice. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioners are an innocent person and they had not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on their own volition, are ready and willing to contribute a sum of Rs.5,000/-



to the credit of the Secretary, Legal Services Authority, Chennai. He prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners along with other accused persons had illegally transported 2750 kg of PDS rice. He further submitted that the Investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), 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 his appearance before the learned Judicial Magistrate - III, Salem, Salem District, 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] the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the Secretary, Legal Service Authority, Chennai 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 petitioner are directed to appear before respondent police daily at 10.30 a.m., until further orders. .

[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.

WEB COPY

-sd/-

25/11/2021

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.III, SALEM, SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
SALEM, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECRETARY
TAMILNADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS

+1 CC to C.PRAKASAM Advocate on payment of necessary charges
SR.No.13480

CRL OP.22369/2021

Date :25/11/2021

APN 26/11/2021