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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

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

Crl.O.P.No.22436 of 2021

Abeebrahmen

... Petitioner

Vs.

State by The Inspector of Police,
Civil Supply CID,
Vellore, Vellore District.
Crime No.273 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.273 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.Vinodh Kumar

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 under Sections 6(4) of TNSP (RDPS) Order 1982, 7 (1)(a)(2) EEC Act 1955 in Cr.No.273 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 3750 Kgs of PDS (Public Distribution System) rice worth Rs.21,187. Based on the same, the respondent police has been 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 been falsely implicated in this case. However, on instructions, on their own volition, are ready and willing to contribute a sum of Rs.10,000/-. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate appearing for the respondent submitted that the petitioner was found in possession of 3750 Kgs of PDS rice. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by either side, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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-IV, Vellore, Vellore District**, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall make a non-refundable deposit of **Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Tamil Nadu Advocate Clerk Welfare Association**, 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 petitioners;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

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

(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]**; and;



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

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-sd/-
26/11/2021

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.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID, VELLORE,
VELLORE DISTRICT.

5 THE TAMIL NADU ADVOCATE CLERK WELFARE
ASSOCIATION, HIGH COURT, MADRAS.

+1 CC to M/S.G.VINODH KUMAR Advocate on payment of necessary charges SR.NO.13525

CRL OP.22436/2021

Date :26/11/2021

TA-01/12/2021