



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

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

Cr1.O.P.No.23127 of 2021

Selvam @ Azhagumuthu

... Petitioner

Vs.

State by,
The Inspector of Police,
CSCID - Chennai,
Salem District.
(Crime No.130 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 by the respondent police in the case pending investigation in Crime No.130 of 2021, on the file of the respondent police.

For Petitioner : Mr.R.Surya Prakash

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6 (4) of Tamil Nadu Scheduled Commodities(RDCS) Order, 1982 and r/w Section 7 (1)(a)(ii) The Essential Commodities Act, 1955, in Crime No.130 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 14000 kgs of PDS rice, 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. 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.25,000/- to the registered Advocate Clerk Association, Salem District. Hence, he prays for grant of anticipatory bail to the petitioner.

WEB COPY

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner along with other accused persons had illegally transported 14000 kgs of PDS rice. He further submitted that there is one previous case pending against the petitioner. He further submitted that the investigation is almost completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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.II, Salem 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioner shall make a non-refundable deposit of **Rs.25,000/- (Rupees Twenty Five Thousand only)** to the credit of the registered Advocate Clerk Association, Salem District, 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 daily at 10.30 a.m., until further orders

[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]**.

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

-sd/-

02/12/2021

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 DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
SALEM DISTRICT.

+1 CC to M/S.R.SURYA PRAKASH Advocate on payment of necessary charges SR.NO.13918

CRL OP.23127/2021

Date :02/12/2021

TA-09/12/2021