



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

WEB COPY

CORAM:

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

CrI.O.P.No.24648 of 2021

Surya

.. Petitioner

Vs.

State By

...Respondent

Inspector of Police,
Kondalampatti Police Station,
Salem District.
(Crime No.581 of 2021)

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 the case pending investigation in Cr.No.581 of 2021 on the file of the respondent police.

For Petitioner : Mr.Thamaraiselvan

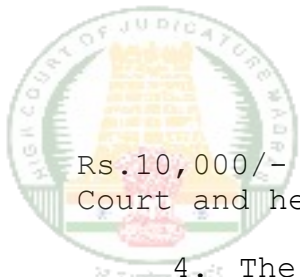
For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends 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 r/w 7 (1)(a)(ii) of the Essential Commodities Act in Crime No.581 of 2021, on the file of the respondent police, seeks 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 that the petitioner along with other accused were involved in illegal transportation of 9000 kgs of PDS rice without any valid permit. Hence, the respondent police registered the case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of



Rs.10,000/- to any Charitable Institute as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for granting anticipatory bail by stating that the petitioner along with other accused were involved in illegal transportation of 9000 kgs of PDS rice without any valid permit. He further submits that there is no previous case pending as against the petitioner.

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 petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, 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 Court-V, Salem* on condition that the petitioner 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 petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Registered Advocates Clerks Association, Salem, Salem District 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 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 on every Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and 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];

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

-sd/-

17/12/2021

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-V,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT.

3 THE INSPECTOR OF POLICE,
KONDALAMPATTI POLICE STATION,
SALEM DISTRICT.

4 THE REGISTERED
ADVOCATECLERKS ASSOCIATION,
SALEM, SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.THAMARAISELVAN Advocate on payment of necessary charges SR.NO.15070

CRL OP.24648/2021

Date :17/12/2021

CSK 28/12/2021