



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.119 of 2022

1.Pallamparthi Dileep Reddy
2.Malugoti Ashok

... Petitioners

Versus

**(*)The State represented by
The Inspector of Police,
CSCID Thiruvallur,
Thiruvallur District.
(Crime No.353 of 2021)**

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.353 of 2021 on the file of the respondent police

For Petitioners : Mr.M.Sathish Kumar

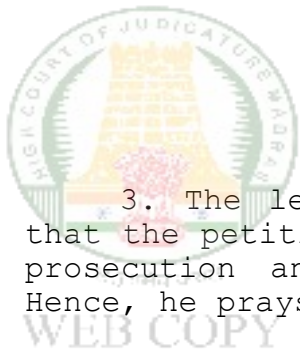
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)
Dated:06/01/2022

: MR.L.Baskaran, Govt. Advocate(CRL. SIDE)
CRL.MP.NO.1444/2022 IN CRL.OP.NO.119/2022
Dated :28/02/2022

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6(4) of TNSC (RDCS) Order 1982, r/w 7(1)a(ii) of E.C. Act 1958 in Crime No.353 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 28.12.2021 while the respondent is on a regular patrol near Elaour RTO they found a vehicle Ashok Leyland Lorry, while they had checked they had found 21,000 kgs of PDS rice (50 kg X 420 bags) and the driver A1 was arrested, and the vehicle and the rice were seized. Hence the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner seized 21,000 kgs of PDS rice. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Thiruvallur, Thiruvallur District, on condition that the petitioners 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 petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of the Chief Educational Officer, Thiruvallur District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement, within a period two weeks 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 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 shall report before the 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]*; and;

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

-sd/-

06/01/2022

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.

(*)Amended as per order of this Court dated 28/02/2022 made in CRL.MP.NO.1444/2022 in CRL.OP.NO.119/2022.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II,THIRUVALLUR, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

**(*)3 THE INSPECTOR OF POLICE,
CSCID THIRUVALLUR,
THIRUVALLUR DISTRICT.**

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER
THIRUVALLUR DISTRICT.



6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary
charges SR.No.3166

CRL OP.119/2022

Date :06/01/2022

CSK 11/01/2022

CSK 08/03/2022