



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.341 of 2022

J.Shoukath Basha

...Petitioner

Versus

State by
Inspector of Police,
Civil Supplies CSCID,
Villupuram Unit.
(Crime No.216 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.216 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.Xavier Felix

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 punishable under Sections 6(4) Tamil Nadu Scheduled Commodities (Regulation of Distribution by Card System) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.216 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Raja had illegally transported 1200 kgs of PDS rice. Thereafter, the said Raja was arrested. Based on the confession one Raja, the petitioner was implicated in this case.

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. He further submitted that based on the confession of co-accused, the petitioner was falsely implicated in this case. However, on instructions, the learned



counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.15,000/- to the Registered Advocate Clerk Association, Villupuram. Hence, he prays for grant of anticipatory bail to the petitioner.

WEB COPY

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there is one previous case pending against the petitioner and the investigation is almost completed.. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, 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, 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-I, Villupuram**, 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 is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Registered Advocate Clerks Association, Villupuram, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier 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 Tuesday 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/-

07/01/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CSCID,
VILLUPURAM UNIT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.S.XAVIER FELIX Advocate on payment of necessary charges SR.NO.354

CRL OP.341/2022

Date :07/01/2022

TA-12/01/2022