



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2007 of 2022

WEB COPY

1.Manikandan
2.Raja
3.Elaiyaperumal

... Petitioners

Versus

State represented by
The Inspector of Police,
CS-CID Police Station,
Cuddalore, Cuddalore District.
(Crime No.20 of 2022)

... 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.20 of 2022 pending investigation on the file of the respondent police.

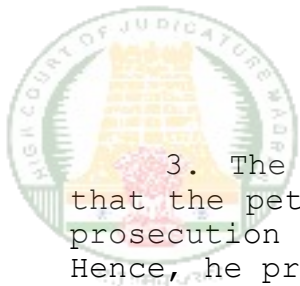
For Petitioners : Mr.A.Sathishkumar

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6(4) of TN Scheduled Commodities [RCDS] Order, 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.20 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 23.01.2022 the lorry loaded as 10th load at Virudhachalam godown with 19,950 kgs PDS rice (399 Government Gunny each 50 kg) to deliver at Muthanai and Viruthagirikuppam ration shops as per Bill No.10736. After loading such PDS rice in the lorry, Officers informed to the lorry drivers and Godown Organizer to park the lorry at Association complex because officers of Muthanai and Viruthagirikuppam were not available on such day. Thereafter, lorry driver himself took lorry to Gopalapuram Road, Kachirayanatham one Gnanamani's place and shifted above PDS rice to another lorry. Hence the defacto complainant lodged this complaint. 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 petitioners illegally transported 19,950 kgs PDS rice from the Government Godown to other ration shop. 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.1, Cuddalore, 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 are directed to deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) [each Rs.20,000] to the credit of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch 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 petitioners 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 petitioners is directed to 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 anticipatory 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/-

31/01/2022

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, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
CS-CID, POLICE STATION,
CUDDALORE DISTRICT

5 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE) ADYAR,
CHENNAI 600 020.

CC to M/S A.SATHISHKUMAR Advocate on payment of necessary charges Sr.1506

CRL OP.2007/2022

Date :31/01/2022

RVR 02/02/2022