



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fourth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3260 of 2022

1 SRINIVASAN [PETITIONERS / ACCUSED]
2 P.THILAGAVATHY
3 DHAYALAN
4 KRISHNAMURTHI

Vs

STATE BY [RESPONDENT]
THE STATION HOUSE OFFICER,
CIVIL SUPPLIES, CID CUDDALORE,
CUDDALORE DISTRICT.
CR.NO.26 OF 2022.

For Petitioner : M/S.I.ABRAR MOHAMED ABDULLAH Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections **6(4), 6(2), (3) of Tamilnadu Scheduled Commodities (RDCS) Order 1982 r/w 7(1) (a) (ii) of the Essential Commodities Act, 1955** in Crime No.26 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that during the inspection on 02.02.2022 at 02.00 a.m., the respondent police ceased the Ashok Leyland lorry bearing registration No.TN 31 T 4878 which was illegally transporting 81 jute bags carrying ration rice (each weighing 50 kg) and 54 nylon bags of wheat (each weighing 50 kg). Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further state that the petitioners are ready to abide by any condition as imposed by this Court. According to him, the property which was used for transporting the PDS rice and PDS wheat are all recovered and are in the custody of the respondent police. However, on instructions, the learned counsel further submits that **without prejudice to their defence and contentions, the petitioners on their own volition, are willing to contribute a sum of Rs.30,000/- for the purpose of improving and maintaining the Government Schools.** Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the first petitioner is a history sheet offender in HS.No.61 of 2015 and the second petitioner is secured. However he admits the property which was used for transporting PDS rice and PDS wheat are all recovered.

5. Submissions made by the learned Counsel on either side are considered.

6. Now on considering the said submissions with the relevant records, being the reason that the first petitioner is the history sheet offender, this criminal original petition in respect to the first petitioner is dismissed. Now the second petitioner is secured by the respondent police, therefore the prayer sought for in respect to the second petitioner has become infructuous. Accordingly, this criminal original petition in respect to the second petitioner is dismissed as infructuous.

7. Apart from that, it is admitted on the either side that the property which was used in the commission of offence, are all recovered, therefore custodial interrogation of the third and fourth petitioners may not be necessary for completing investigation and also considering the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of **Rs.30,000/-** for charitable purpose, this Court is inclined to grant anticipatory bail to the third and fourth petitioners.

8. Accordingly, the third and fourth petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate-I, Cuddalore** on condition that the 3rd and 4th petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) (each), 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 and on further condition that:



(a) the 3rd and 4th petitioners and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the 3rd and 4th petitioners shall make a non-refundable deposit of Rs.30,000/- (3rd petitioner - Rs.25,000/- and 4th petitioner - Rs.5,000/-) to the credit of " The Chief Educational Officer, Cuddalore District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the 3rd and 4th petitioners ;

(c) the 3rd and 4th petitioners shall report before the respondent police daily at 10.30 a.m., for a period of fifteen (15) days and thereafter, as and when required for investigation;

(d) the 3rd and 4th petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the 3rd and 4th 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 the 3rd and 4th petitioners in accordance with law as if the conditions have been imposed and the 3rd and 4th petitioners released on bail by the learned Magistrate/Trial Court themselves 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 abscond, a fresh FIR can be registered under Section 229-A IPC.



9. In the result, this Criminal Original Petition is ordered in respect to the 3rd and 4th petitioners and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

24/02/2022

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 THE STATION HOUSE OFFICER,
CIVIL SUPPLIES, CID CUDDALORE,
CUDDALORE DISTRICT.

5 THE CHIEF EDUCATIONAL OFFICER,
CUDDALORE DISTRICT.

+1 CC to M/S.I.ABRAR MOHAMED ABDULLAH Advocate on payment of
necessary charges SR.NO.2935

CRL OP.3260/2022

Date :24/02/2022

TA-02/03/2022