



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eleventh day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3386 of 2022

SEKAR

[PETITIONER / ACCUSED]

 V_S

STATE REP BY ITS
THE INSPECTOR OF POLICE,
CSCID, SALEM POLICE STATION,
SALEM, SALEM DISTRICT.
(CRIME NO. 58/2018)

[RESPONDENT]

For Petitioner : M/S. M.SENTHILKUMAR 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 petitioner, who apprehends arrest for the alleged offence under section 6 (4) of TN Scheduled Commodities (RDCS) Order, 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.58 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 14.05.2018 about 13.00 hrs, at Melmottur Road, near Subramanyan Thirumana Mandapam, Kanjanaickenpatty-Chinnathirupathi, the petitioner and other accused were found in illegal transportation of 50 gunny bags, each containing 50 kgs. PDS rice. Hence, the Law Enforcing Agency registered a case against the petitioner and other accused.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. On considering the submissions made by the learned counsels appearing on either side with relevant records it seems that the present petition mentioned case has been registered in the year, 2018. During the time of registering the case, the respondent Police has recovered the rice, which was transported at the time of occurrence along with the Lorry. Hence, in the said circumstances, the custodial interrogation may not be necessary for completing the investigation.

6. Hence, taking all the above said aspects into consideration and having regard to the nature of offence committed, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Omalur, Salem District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and on further condition that:

(a) the petitioner 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 petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]; and;



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

WEB COPY

-sd/-

11/02/2022

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,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.MURUGA BHARATHI Advocate on payment of necessary charges SR.No.2332

CRL OP.3386/2022

Date :11/02/2022

CSK 16/02/2022