



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3717 of 2022

S.GOVINDASAMY

[ PETITIONER / ACCUSED ]

Vs

THE INSPECTOR OF POLICE  
CSCID SALEM, SALEM DISTRICT.  
(CRIME NO.156/2021)

[ RESPONDENT ]

For Petitioner : M/S.G.PUNNIAKOTI Advocate

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

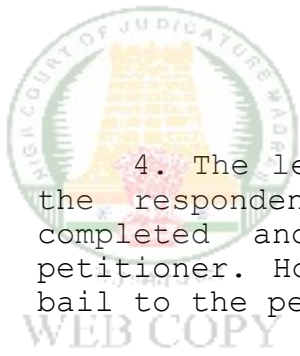
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 6(3) of Tamil Nadu Scheduled Commodities (RDCS) Order and Section 7(1)(a)(ii) of Essential Commodities Act, 1995 in Crime No.156 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Special Tahsildar and his team have inspected the shop No.51 at Vallakalpatti ration shop and they have found that there was misappropriation happened in the shop, and thereby he imposed a fine of Rs.74,555/- to the petitioner and to the other accused persons. Based on the complaint given by the Deputy Commissioner of Public Distribution System, a case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the fine of Rs.74,555/- has also been paid by the petitioner, and the other accused in this case has already been granted with anticipatory bail by this Court in Crl.O.P.No.22722 of 2021 on 29.11.2021. 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 almost completed and there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking note of all the above said aspects into consideration and having regard to the nature of the offence committed by the petitioner, this Court came to the conclusion that for the completion of investigation, custodial interrogation of the petitioner may not be necessary in this case. Hence, 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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Salem, 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 and on further condition that:

(a) the petitioner and the sureties shall affix their 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 on every Saturday at 10.30 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/-

15/02/2022

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.2, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE  
CSCID SALEM, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary  
charges SR.No.2334

CRL OP.3717/2022

Date :15/02/2022

CSK 18/02/2022