



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.3284 of 2022

KARTHI @ KARTHI PRAKASH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
SALEM DISTRICT.
(CRIME NO.22/2022)

[RESPONDENT]

For Petitioner : M/S R.HEMALATHA, 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 TNSC (RDCS) Order 1982 r/w.7(1) (a) (ii) of E.C Act, 1955 in Crime No.22 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 02.02.2022, the respondent police seized a Van along with 4000 Kgs of PDS (Public Distribution System) rice and arrested the driver of the vehicle. From the confession statement given by the driver, it was found that the petitioner is the owner of the vehicle and he bought the PDS rice from the public with pittance amount and sold the same to the Poultry Farm. Based on which, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has no way connected with the alleged offence. He further submitted that he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.25,000/- for any welfare activities as may be ordered by this Court. In fact, learned counsel



for the petitioner submits that a sum of Rs.25,000/- be given to " The Director, Cancer Institute(WIA), Adayar" for treating Cancer patients. Hence, he prays for grant of Anticipatory Bail to the petitioner.

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4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the investigation is pending. However, he admits that the property, which was used for the commission of offence and the PDS rice are recovered and as of now, they are all under the custody of the competent officers. He further submitted that there is no previous case against the petitioner. However, he opposed for the grant of anticipatory bail to the petitioner.

5. The submissions made by the learned counsels appearing on either side are considered. Though the petitioner is the owner of the Vehicle, which is used for the commission of alleged offence, considering the fact that the property which are necessary for completing the investigation are already recovered, the custodial interrogation may not be necessary for completing the investigation. Further, the petitioner, who is the first offender is not having any previous bad antecedents and the petitioner on his own volition is ready and willing to contribute a sum of Rs.25,000/- for the purpose of welfare activities.

6.Taking all the above 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, No.II Salem, 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 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) as undertaken by the petitioner on his own volition, the petitioner shall make a non refundable deposit of Rs.25,000/- through demand draft in favour of "The Director, Cancer Institute(WIA), Adayar" for treating Cancer patients under necessary acknowledgment. The above contribution is made without prejudice to their defence before the trial court and the petitioner shall 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 petitioner;

(c) the petitioner shall report before the respondent police daily 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]; and;

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

-sd/-

10/02/2022

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.II,
SALEM, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
SALEM DISTRICT.



4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE DIRECTOR,
CANCER INSTITUTE (WIA), ADYAR.

CC to M/S C.PRAKASAM Advocate on payment of necessary charges

CRL OP.3284/2022

Date :10/02/2022

INBA~16/02/2022