



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

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3365 of 2022

HARI @ HARIPRAKASH

[PETITIONER/ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
TIRUVALLUR POLICE STATION,
CSCID - CHENNAI DISTRICT
CRIME NO. 353/2021

For Petitioner : M/S. SYED NIZAMUDDIN AHMED HUS Advocate

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

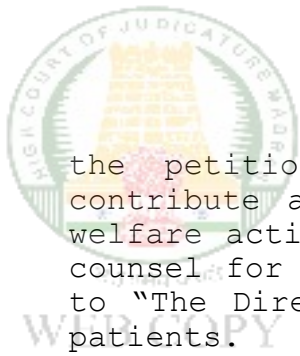
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under section 6(4) of TNSC (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.353 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.Totally there are four accused in this case. The petitioner herein is arrayed as A3. The case of the prosecution is that on 28.12.2021, when the respondent police along with other officials are in routine raid, they found that the petitioner along with other accused are involved in illegal transportation of 21,000 kgs of PDS rice worth about Rs.1,18,650/- by using Ashok Leyland Lorry AP-31-TD-3119 without any valid permission from the concerned authority. Hence, the Law Enforcing Agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. According to him, the alleged occurrence had happened without the knowledge of the petitioner and based on the confession statement of A4, this petitioner is added in the FIR. Therefore, he pleads for Anticipatory Bail to the petitioner. 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.10,000/- (Rupees Ten Thousand only) for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submit that a sum of Rs.10,000/- be given to "The Director, Cancer Institute(WIA), Adayar" for treating Cancer patients.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the petitioner had illegally transported the PDS Rice from one point to another point for the purpose of selling the same for the higher price. However, he admits that the property which was illegally transported was recovered along with the vehicle.

5. Submissions made by the learned counsels appearing on the either sides are concerned.

6. The respondent police registered a case against the petitioner for the offence punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii), of Essential Commodities Act, 1955. Admittedly, the petitioner was arrayed as an accused based on the confession statements given by the other accused. Therefore, it is necessary to find out whether the petitioner is having an intention to commit the offence or not and the same has to be verified only during the time of Trial. Further, the petitioner on his own volition is ready and willing to contribute a sum of Rs.10,000/- for the purpose of welfare activities, 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.1, Thiruvallur 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) as undertaken by the petitioner on their own volition, the petitioner shall make a non refundable deposit of Rs.10,000/- 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 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;

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

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

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

(g) 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;

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

-sd/-

18/02/2022

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, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
TIRUVALLUR POLICE STATION,
CSCID - CHENNAI DISTRICT



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DIRECTOR, CANCER
INSTITUTE (WIA), ADAYAR

CC to M/S. SYED NIZAMUDDIN AHMED HUS Advocate on payment of
necessary charges

CRL OP.3365/2022

Date :18/02/2022

RVR 25/02/2022