



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

Wednesday, the Sixteenth day of February Two Thousand Twenty Two
PRESENT

WEB COPY

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.3643 of 2022

P.RAJASEKAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
CSCID POLICE STATION,
THIRUVALLUR UNIT,
CHENNAI DISTRICT.
(CRIME NO.38 OF 2022)

[RESPONDENT]

For Petitioner : M/S. R.SASIKUMAR Advocate

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

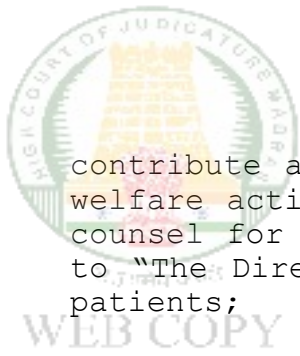
PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 6(2), (3) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii), of Essential Commodities Act, 1955 in Crime No.38 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.02.2022, the defacto complainant received information that the petitioner along with other accused persons were involved in illegal transportation of PDS Rice in a lorry without any valid permission from the concerned authority. Hence, the defacto complainant had lodged a complainant before the respondent Police.

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. He further submits that the petitioner is the owner of the lorry, which is used by the other accused for illegal transportation of PDS rice. According to him, the alleged occurrence had happened without the knowledge of the petitioner and 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.25,000/- (Rupees Twenty Five Thousand) for any welfare activities as may be ordered by this Court. In fact, learned counsel for the petitioner submit that a sum of Rs.25,000/- 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 during the relevant point of time some of the Government officials with the help of 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, the property which was illegally transported was recovered along with the vehicle.

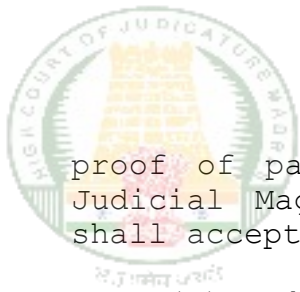
5. Submissions made by the learned counsels appearing on the either sides are concerned.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 6(2), (3) of TNSC (RDCS) Order 1982 r/w Section 7(1)(a)(ii), of Essential Commodities Act, 1955. Admittedly, the petitioner is the lorry owner and he was arrayed as an accused based on the statements of 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 investigation. Further, the petitioner on his own volition is ready and willing to contribute a sum of Rs.25,000/- 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.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 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/-

16/02/2022

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
CSCID POLICE STATION,
THIRUVALLUR UNIT,
CHENNAI DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DIRECTOR, CANCER
CANCER INSTITUTE (WIA), ADAYAR

CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges
Sr.2508

CRL OP.3643/2022

Date :16/02/2022

RVR 18/02/2022