



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.4568 of 2022

S.Gubendran

...Petitioner

Vs.

The State rep. by the
The Inspector of Police,
Civil Supplies - CID Wing,
Nagapattinam.
(Crime No.183 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in Crime No.183 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.M.Subramanian

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 6 (2)(3) TNCSC RDCS Order 1982 r/w 7(1)(a) of the Essential Commodities Act, 1955 in Crime NO.183 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police arrested the accused persons for illegal transportation of PDS rice by using lorry and seized the same. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner submits that the petitioner is working as a Sales Man in a Ration Shop attached to the Primary Agricultural Co-operative Bank (PACB) at Sikkil Village, Nagapattinam Taluk, Nagapattinam District. Based on the confession statement only, the petitioner has been implicated in this case and he has not committed any such offence as



alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready and willing to pay a sum of **Rs.30,000/-** to any Charitable Institute as may be directed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) on instructions submits that there are six accused involved in this case and the petitioner is arrayed as A6. A1 & A3 were arrested and released on bail A4 and A5 released on anticipatory bail. He further submitted that the petitioner had helped the accused persons for illegal transportation of PDS rice from the ration shop, he is working. He further submitted that investigation was almost completed and there is no previous case as against the petitioner and vehicle was also seized. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the submissions made by both counsel and also considering the fact that the investigation was almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of **Rs.30,000/-** for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate Court - I, Nagapattinam**, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) to the credit of **Ramakrishna Mutt, Mylapore for rehabilitation of Leprosy Work through Demand Draft** and shall produce the said receipt before the Court below;

(c)the petitioner shall report before the respondent police on everyday at 10.30 a.m., for a period of two months and thereafter as and when required for interrogation;



(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/-

18/03/2022

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, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES-CID WING,
NAGAPATTINAM CRIME.

5 THE OFFICER INCHARGE
RAMAKRISHNA MUTT, MYLAPORE.

+1 CC to M/S. K.M.SUBRAMANIAN Advocate on payment of necessary charges SR.NO.4180

CRL OP.4568/2022

Date :18/03/2022

TA-22/03/2022