



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

Monday, the Seventh day of March Two Thousand Twenty Two

PRESENT

The Hon'ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.5011 of 2022

AJEESH @ AZEEZULLAH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
CSCID POLICE,
VELLORE DISTRICT
(CRIME NO.15/2022)

[RESPONDENT]

For Petitioner : M/S. M.SATHISH KUMAR Advocate

For Respondent : MR.LEONARD ARUL JOSEPH SELVAM,
Govt.Advocate(Crl. Side)

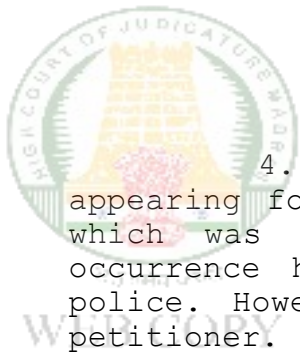
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 6(4) of TNSC (RDCS) Order 1982, r/w 7(1)a(ii) of E.C.Act, 1958 in Crime No.15 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 28.01.2022, when the respondent police was on a regular patrol, they had found three two wheelers carrying 2 bags of PDS rice each containing 50 kgs. Further, the petitioner along with two other accused had illegally transported 3,000 kgs of PDS rice worth about Rs.20,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and 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.10,000/- (Rupees Ten Thousand) for any welfare activities as may be ordered by this Court. Accordingly, he prays for anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the property, which was used for the commission of offence in the alleged occurrence has been recovered and the same is in the custody of police. However, he opposed for granting anticipatory bail to the petitioner.

5. Considered the submissions made by the learned counsel appearing on either side.

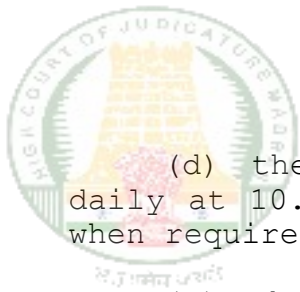
6. The respondent police registered a case against the petitioner for the offence punishable under Section 6(4) of TNSC (RDCS) Order 1982, r/w 7(1)a(ii) of E.C.Act, 1958. Being the reason that the property, which was used for the commission of offence as well as the property which was transported has already been recovered by the respondent police and 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.IV, Vellore, Vellore 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) 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 his own volition, the petitioner shall make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) through demand draft in favour of "The Director, Cancer Institute(WIA), Adayar, Chennai" for treating Cancer patients under necessary acknowledgment. The above contribution is made without prejudice to his 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., for a period of 30 days and thereafter, as and when required for interrogation;

(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/-

07/03/2022

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.IV, VELLORE,
VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
CSCID POLICE,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT,
MADRAS.



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

WEB COPY

CC to M/S. M.SATHISH KUMAR Advocate on payment of necessary
charges Sr.3469

CRL OP.5011/2022

Date :07/03/2022

RVR 10/03/2022