



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.10510 of 2022

1 GANESAN @ PEPSI GANESAN [PETITIONERS / ACCUSED]
2 SANTHOSH

Vs

STATE REP. BY [RESPONDENT]
THE STATION HOUSE OFFICER,
CIVIL SUPPLY C.I.D., CUDDALORE,
CUDDALORE DISTRICT.
CRIME NO.57 OF 2022.

For Petitioner : M/S.E.KANNADASAN Advocate

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

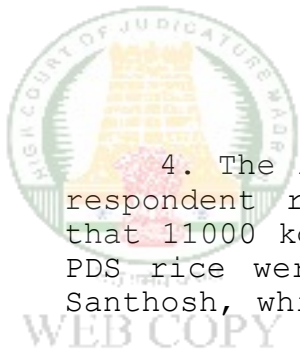
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under **sections 6(4) of Tamil Nadu Schedule Commodities (Regulation of Distribution Through Card System) Order 1982 read with Section 7(1) (a) (ii) of the Essential Commodities Act, 1955 in Crime No.57 of 2022**, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found in possession of 11000 kgs of PDS rice in 220 bags, each bag containing 50 kgs of PDS rice. Hence the case.

3.The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition in so far as the second petitioner is concerned and would submit that the 1st petitioner is an innocent person and he has been falsely implicated in this case. Hence, he would pray for grant of anticipatory bail to the 1st petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection for granting anticipatory bail stating that 11000 kgs of PDS rice in 220 bags, each bag containing 50 kgs of PDS rice were illegally stored in the house of the 2nd petitioner, Santhosh, which were purchased by the 1st petitioner from the public.

5. In view of the submission made by the learned counsel for the petitioners, **this Criminal Original Petition is dismissed as withdrawn insofar as the 2nd petitioner is concerned.**

6. Though it is alleged that the said rice were purchased by the 1st petitioner, Ganesan @ Pepsi Ganesan from the public and stored in the house of 2nd petitioner/Santhosh, so far, no statement has been recorded from any public to establish that they had sold the rice to the 1st petitioner, Ganesan @ Pepsi Ganesan. Under this Circumstances, **this Court is inclined to grant anticipatory bail to the 1st petitioner, Ganesan @ Pepsi Ganesan.**

7. Accordingly, the **1st 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, Cuddalore**, on condition that the **1st 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 1st 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 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(c) **the 1st petitioner shall report before the respondent police as and when required for interrogation;**

(d) the 1st petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the 1st petitioner in accordance with law as if the conditions has been imposed and the 1st 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;



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

WEB COPY

-sd/-
12/05/2022

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.1, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
CIVIL SUPPLY C.I.D., CUDDALORE,
CUDDALORE DISTRICT.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.7071

CRL OP.10510/2022

Date :12/05/2022

TA-16/05/2022