



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10539 of 2022

SURYA

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
SALEM DISTRICT.
(CR.NO.54 OF 2022)

For Petitioner : M/S.R.THAMARAI SELVAN Advocate

For Respondent : MR.N.S.SUGANTHAN, 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 for the alleged offence under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act in Crime No.54 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the submissions of both the counsel appearing for parties.

3.It is seen from the submissions of the counsels appearing for the parties that the petitioner is the owner of lorry bearing registration No. TN-29-BQ-6139 and this lorry was said to have been used for illegal transportation of 60 sacks of PDS rice each containing 25 kilograms. The lorry and the PDS rice were seized.

4.It is further submitted by the learned counsel for the petitioner that the petitioner is not aware of the fact that the lorry was used for illegal transportation of PDS rice. It is further seen from the submissions that the driver of the lorry was arrested and released on bail.



5. Taking into consideration of the fact that property had been seized and the driver of the lorry arrested and released on bail. This Court is of the view that custodial interrogation of the petitioner is not necessary, therefore, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Registered Advocate Clerks Welfare Association, Salem and on such deposit and production of receipt before the learned concerned Magistrate, the petitioner may be granted anticipatory bail with certain conditions;

6. 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- II, Salem, on condition that the petitioner shall execute a bond for 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 petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Registered Advocate Clerks Welfare Association, Salem.

(b) 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;

(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 respondent police as and when required for investigation;

(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 is 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.

WEB COPY

-sd/-
05/05/2022

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-II,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE REGISTERED
ADVOCATE CLERKS WELFARE ASSOCIATION, SALEM.

CC to M/S.R.THAMARAI SELVAN Advocate on payment of necessary charges

CRL OP.10539/2022

Date :05/05/2022

CSK 16/05/2022