



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.10526 of 2022

SATHIYANARAYANAN @ SATHI

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE
CSCID POLICE STATION,
SALEM DISTRICT.
CRIME NO.13 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.

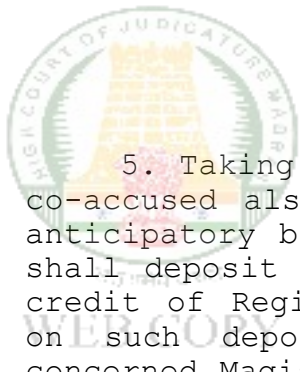
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act in Crime No.13 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 parties that this petitioner is the owner of the auto bearing registration No. TN-24-B-1609 used by the accused, who is the driver of the auto, for illegal transportation of 1000 Kilograms of PDS rice in 21 sacks.

4.It is further submitted that the co-accused was formally arrested and second accused arrested and released on bail and there is no previous case pending against this petitioner.



5. Taking note of the fact that property had been seized and the co-accused also released on bail, 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 seven 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 7 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 the Investigating Officer as and when required for an 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/-
05/05/2022

WEB COPY

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.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.

+1 CC to M/S.R.THAMARAI SELVAN Advocate on payment of necessary charges SR.NO.6875

CRL OP.10526/2022

Date :05/05/2022

JPA 11/05/2022