



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11349 of 2022

SELVAM @ AYYAVU

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP BY ITS  
INSPECTOR OF POLICE,  
C.S.C.I.D  
SALEM DISTRICT,  
CRIME NO. 45/2022.

[ RESPONDENT ]

For Petitioner : M/S.M.GURUPRASAD Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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 offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and r/w Section 7 (1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No. 45 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused were found in illegal possession of 2000 Kgs of PDS rice in 40 bags in a Van, which belongs to the petitioner herein, without any valid licence. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that the petitioner and other accused were found in possession of 2000 Kgs of PDS rice in a van and the petitioner herein is the owner of the lorry. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall hand over 10 bags of raw Ponni Rice, each containing 50 kgs along with 50 kgs of Toor Dal to the ALL THE CHILDREN TRUST, No. 22 Ramalingapuram, Sri Kannapiran Mill Opposite, Sowripalayam Road, Coimbatore, Tamil Nadu 641028 ( Contact Person : Ms.Sivaranjani, Cell Nos. 9551799919; 9003298704 ), and on production of receipt from the said Trust, 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Salem 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] shall hand over 10 bags of raw Ponni Rice, each containing 50 kgs along with 50 kgs of Toor Dal to the ALL THE CHILDREN TRUST, No. 22 Ramalingapuram, Sri Kannapiran Mill Opposite, Sowripalayam Road, Coimbatore, Tamil Nadu 641028.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks 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/-  
18/05/2022

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.II, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
C.S.C.I.D SALEM DISTRICT,



5 ALL THE CHILDREN TRUST  
NO.22 RAMALINGAPURAM  
SRI KANNAPIRAN MILL OPPOSITE  
SOWRIPALAYAM ROAD  
COIMBATORE  
TAMIL NADU 641 028  
( CONTACT PERSON : MS.SIVARANJANI,  
CELL NOS. 9551799919; 9003298704 )

+1 CC to M/S.M.GURUPRASAD Advocate on payment of necessary  
charges SR.No. 7253.

CRL OP.11349/2022

Date :18/05/2022

SP(20/05/2022)