



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12500 of 2022

KAMALAKANNAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUVALLUR DISTRICT.
(CR.NO. 138 OF 2022)

[RESPONDENT]

For Petitioner : M/S.A.VINOTH KUMAR Advocate

For Respondent : MR.V.MEGANATHAN, Govt. Advocate (Cr1. 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 offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order, 1982, Section 7(1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.138 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally transporting 19500 kgs of PDS rice using heavy vehicle lorry, bearing Regn. No. AP-16-TC-9095. Hence, the complaint.

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 Government Advocate (Cr1.Side) submitted that the petitioner was illegally transporting 19500 Kgs of PDS rice. However, 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 is directed to donate 100 bags of Ponni rice each bag containing 50 Kgs, out of which 25 bags to ALL THE CHILDREN, No.39 & 40, Palla 2nd Street, Kennedy Nagar, Vyasarpadi, Chennai 600 039. Contact Person : Ms.Sivaranjani Cell Nos. 9789056897, 9551799919; 25 bags to DON BOSCO ANBU ILLAM, No.25, Kulandi Street, Park Town, Chennai 600 003, Phone: 044-25352101/25356885, Mobile Nos.94440 31098 / 9962864011, 25 bags to SARANALAYAM (Girls Home), Pope John's Garden, No.64, K.K.Thazhai, Madhavaram, Chennai 600 051; Phone No.044-25943247; Mobile No.8939335756 and 25 bags to GUILD OF SERVICE BALAVIHAR, No.10, Hall Road, Kilpauk, Chennai 600010, Phone No.044-26644933. and on such compliance, 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 Court No - I, Thiruvallur 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] 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.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 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 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;



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

WEB COPY

-sd/-

26/05/2022

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.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.A.VINOTH KUMAR Advocate on payment of necessary charges SR.No.7994

CRL OP.12500/2022

Date :26/05/2022

CSK 31/05/2022