



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12703 of 2022

PAZHANI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VELLORE CS-CID POLICE STATION,
VELLORE DISTRICT.
CRIME NO.35 OF 2022.

[RESPONDENT]

For Petitioner : M/S. A.SATHISHKUMAR Advocate

For Respondent : M/S.V.MEGANATHAN, 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 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. 35 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A1 along with other accused were found in illegal possession of 4500 Kgs of PDS rice in 90 bags (each 50 Kgs) in a lorry bearing Registration No.TN-01-W-9686, which belongs to the petitioner herein, without any valid licence. Hence the case.

3. The learned counsel appearing for the petitioner would submit that on the basis of confession of A2, 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 (Criminal Side) submitted that the petitioner and other accused were found in possession of 4500 Kgs of PDS rice in a lorry 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

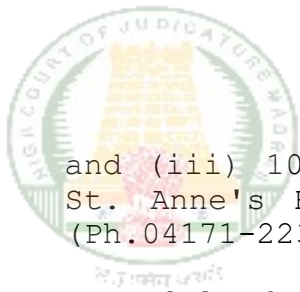
(i) 15 bags each of raw Ponni Rice, each containing 50 kgs to Sivananda Saraswathi Sevashram, Mangalapuri, Kattankulathur, Kancheepuram District-603 203, Next to S.R.M. Engineering College (Phone:+91-44-27452345 and +91-44-27451815);

(ii) 15 bags each of raw Ponni Rice, each containing 50 kgs to Karunai Illam, Senthil Nagar, Kavundampalayam, Coimbatore-641 030, Opposite to Kalpana Kalyana Mandampam, (Ph.9498430523, 9486889698); and

(iii) 10 bags each of raw Ponni Rice, each containing 50 kgs to St. Anne's Home for the aged R.S.Road, Guidyatham, Vellore-632 602 (Ph.04171-223737); and on production of receipt from the said Trusts, 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.IV, Vellore 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 hand over (i) 15 bags each of raw Ponni Rice, each containing 50 kgs to Sivananda Saraswathi Sevashram, Mangalapuri, Kattankulathur, Kancheepuram District-603 203, Next to S.R.M. Engineering College (Phone:+91-44-27452345 and +91-44-27451815);(ii) 15 bags each of raw Ponni Rice, each containing 50 kgs to Karunai Illam, Senthil Nagar, Kavundampalayam, Coimbatore-641 030, Opposite to Kalpana Kalyana Mandampam, (Ph.9498430523, 9486889698);



and (iii) 10 bags each of raw Ponni Rice, each containing 50 kgs to St. Anne's Home for the aged R.S.Road, Guidyatham, Vellore-632 602 (Ph.04171-223737);.

[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/-
27/05/2022

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.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VELLORE CS-CID POLICE STATION,
VELLORE DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SECRETARY,
SIVANANDA SARASWATHI SEVASHRAM, MANGALAPURI,
KATTANKULATHUR, KANCHEEPURAM DISTRICT-603
203, NEXT TO S.R.M. ENGINEERING COLLEGE
(PHONE:+91-44-27452345 AND +91-44-27451815)

6 THE SECRETARY,
KARUNAI ILLAM, SENTHIL NAGAR,
KAVUNDAMPALAYAM, COIMBATORE-641 030,
OPPOSITE TO KALPANA KALYANA MANDAMPAM,
(PH.9498430523, 9486889698)

7 THE SECRETARY,
ST. ANNES HOME FOR THE AGED R.S.ROAD,
GUIDYATHAM, VELLORE-632 602 (PH.04171-223737)

+1 CC to M/S. A.SATHISHKUMAR Advocate on payment of necessary
charges SR.NO. 8240

CRL OP.12703/2022

Date :27/05/2022

RW-01/06/2022