



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13605 of 2022

PALANI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
VELLORE,
VELLORE DISTRICT.
CRIME NO.71 OF 2022

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : M/S.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 Commodity (Regulation of Distribution Through Card System) Order, 1982 and r/w Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.71 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 14.04.2022, the defacto complainant on their routine vehicle check up stopped the petitioner's vehicle and found that there were 70 bags of rice (each containing 50 kgs) totalling 3500 kgs without any bills or invoice and the vehicle were seized along with the rice. Hence the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and further submitted that he is ready and willing to furnish sureties for his release. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner was found in possession of 3500 Kgs of PDS rice. He would also submit that the petitioner has no previous case against him. 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 50 bags of Ponni Rice each containing 50 kgs and 25 bags of Toor Dal each containing 2 kgs to Mudhiyar Balr Kudumpa Grama Panni (MBKG Pannai), Kasam, Katpadi, Vellore District, Mobile No.98434 62100 for the social and children welfare and on such donation, 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.I, 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 make donate 50 bags of Ponni Rice each containing 50 kgs and 25 bags of Toor Dal each containing 2 kgs to Mudhiyar Balr Kudumpa Grama Panni (MBKG Pannai), Kasam, Katpadi, Vellore District, Mobile No.98434 62100 for the children welfare.

[c] the petitioner shall stay at Ulundurpettai and report before the Inspector of Police, Town Police Station, Ulundurpettai daily at 10.30 for a period of two weeks and thereafter, shall report before the respondent police daily at 10.30 for a further 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

14/06/2022

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, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
VELLORE, VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
ULUNDURPETTAI.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO. 9074

CRL OP.13605/2022

Date :14/06/2022

RW-22/06/2022