



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14201 of 2022

GOKUL @ VISHAL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CSCID SALEM, SALEM DISTRICT.
(CR.NO.79 OF 2022)

[RESPONDENT]

For Petitioner : M/S.B.VASUDEVAN Advocate

For Respondent : M/S.V.J.PRIYADARSANA, 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 alleged offence punishable under Section 6 (4) Tamil Nadu Schedule Commodities (RDSCS) order 1982 r/w. Section 7 (1) (a) (ii) of the Essential Commodities Act, 1955 in Crime No. 79 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 2,200 Kgs of PDS rice. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that he 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) appearing for the respondent would submit that there are totally three accused involved in this case. A2 was arrested and released on bail. A1 is the owner of the rice. He would also submit that there is no previous case pending against the petitioner. 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.

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6. Accordingly, the petitioner shall donate 15 bags containing 50 kgs of raw rice and 4 bags containing 25 kgs of Toor dhal to Anbalayam Orphan Home, Kilaku Vasal, Near Milk Dairy Farm, Thalavaipatti, Salem - 636 302, Ph. 9994568269 and on such donation, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Salem and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy is made ready, 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 donate 15 bags containing 50 kgs of raw rice and 4 bags containing 25 kgs of Toor dhal to Anbalayam Orphan Home, Kilaku Vasal, Near Milk Dairy Farm, Thalavaipatti, Salem - 636 302, Ph. 999456826.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m, for a period of four 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.

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-sd/-

21/06/2022

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.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CSCID SALEM,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE ANBALAYAM ORPHAN HOME,
KILAKU VASAL, NEAR MILK DAIRY FARM,
THALAVAIPATTI, SALEM - 636 302,
PH. 9994568269.

+1CC to M/S.B.VASUDEVAN Advocate on payment of necessary
charges SR.No.9630

CRL OP.14201/2022

Date :21/06/2022

CSK 30/06/2022