



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

Monday, the Twenty Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.14714 of 2022

HEMAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUVALLUR.
CR.NO.171 OF 2022.

[RESPONDENT]

For Petitioner : M/S. V.BHAGYARAJ Advocate

For Respondent : MR. 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 offences punishable under Sections 6(4) of TNSC (RDCS) Order, 1982 and r/w Section 7(1)(a)(ii) of the E.C. Act, 1955, in Crime No.171 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in possession of 1100 Kgs of PDS rice in his vehicle bearing No.TN 20 DY 4718. 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 Government Advocate (Crl.side) submitted that the petitioner was found in possession of 1100 Kgs of PDS rice. 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 donate 10 bags of Ponni Rice (each 50 kgs) and 2 bags of toor dal (each 25 kgs) to Sevalaya Swami Vivekananda Home, Kasuva Village, Pakkam (po) Near Thiruninravur - 602 024, Tiruvallur District Ph 7299004456, 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 Judicial Magistrate Court No.1, Tiruvallur, 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 donate 10 bags of Ponni Rice (each 50 kgs) and 2 bags of toor dal (each 25 kgs) to Sevalaya Swami Vivekananda Home, Kasuva Village, Pakkam (po) Near Thiruninravur - 602 024, Tiruvallur District Ph 7299004456, and the receipt of such donation shall be produced before the concerned learned Magistrate at the time of execution of bond.

[c] the petitioner shall report before the respondent police daily at 10.30 a.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.

-sd/-

27/06/2022

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, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
CIVIL SUPPLIES CID,
TIRUVALLUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 SEVALAYA SWAMI VIVEKANANDA
HOME, KASUVA VILLAGE, PAKKAM(PO) NEAR
THIRUNINRAVUR 602 024,
TIRUVALLUR DISTRICT. PH 7299004456

CC to M/S. V.BHAGYARAJ Advocate on payment of necessary charges
Sr.10084

CRL OP.14714/2022

Date :27/06/2022

RVR 05/07/2022