

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15361 of 2022

JAGANATHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
VELLORE,
VELLORE DISTRICT
CRIME NO. 72 OF 2022.

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN 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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodity (RDCS) Order, 1982 and r/w Section 7(i)(a) ii of the Essential Commodities Act, 1955, in Crime No.72 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 8000 Kgs of ration rice. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent persons. 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 the petitioner was found in possession of 8000 Kgs of PDS rice. However, he vehemently opposed to grant anticipatory bail to the petitioners.

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 20 bags containing 50kgs of raw rice and 2 bags containing 20kgs of Toor dhal to Sree Anbalayam, No.19, Shakthi Vinayagar Garden, Athamoattu Post, Coimbatore - 641010, Ph - 9894080496 and on such donation, the petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-IV, Vellore, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood 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 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 20 bags containing 50kgs of raw rice and 2 bags containing 20kgs of Toor dhal to Sree Anbalayam, No.19, Shakthi Vinayagar Garden, Athamoattu Post, Coimbatore - 641010, Ph - 9894080496.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., and 50.30 p.m, until further orders.

[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/-
04/07/2022

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,
CIVIL SUPPLY CID, VELLORE,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 SREE ANBALAYAM,
NO.19, SHAKTHI VINAYAGAR
GARDEN, ATHAMOATTU POST,
COIMBATORE-641010. PH-9894080496

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.10598

CRL OP.15361/2022

Date :04/07/2022

JPA 13/07/2022