WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25839 of 2021

Nagaraja @ Nagaraj ... Petitioner

Versus

State Rep by ... Respondent
The Sub Inspector of Police,
Civil Supply C.I.D. Police Station,
Salem,
Salem District.
(Crime No.170 of 2021)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.170 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest for the alleged offence under Sections 6(4) TNSC (RDCS) 1982 r/w 7(1)(a)(ii) of Essential Commodities Act 1955 in Crime No.170 of 2021 on the file of the respondent police seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner along with other accused person are alleged to have illegally transported 250 Kgs of Public Distribution System (PDS) Wheat. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.5,000/- to the credit of the Registered Advocate Clerk Association, Salem

https://hcservices.ecourts.gov.in/hcservices/

District that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused person are alleged to have illegally transported 250 Kgs of Public Distribution System (PDS) Wheat and the same has been seized by the respondent police.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate-II, Salem,** 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 is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of the **Registered Advocate Clerk Association, Salem District,** within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioner is directed to report before the respondent police on every Tuesday at 10.30 a.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.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

[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/-
06/01/2022

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. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
CIVIL SUPPLY CIB POLICE STATION,
SALEM DISTRICT.

5 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
SALEM DISTRICT.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.308

CRL OP.25839/2021

Date :06/01/2022

TA-12/01/2022

https://hcservices.ecourts.gov.in/hcservices/