



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25888 of 2021

1. Merla Durga Prasad Choudary
2. Kumar

...Petitioners

Versus

The State Represented by;
The Inspector of Police,
CS-CID Police Station,
Chennai
(Crime No.299 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.299 of 2021 on the file of the respondent police.

For Petitioners: Mr.T.Muruganantham

For Respondent : Mr.A. Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 6 (4) of the Scheduled Commodities (RDCS), 1992 and Section 7(1)(a)(ii) of Essential Commodities Act, in Crime No. 299 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found illegally transported 620 bags of PDS Rice each 50kg by using Ashok Leyland Tarrus Lorry bearing Reg.No.TN-52-P-9535. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioners were found illegally transported a 620 bags of PDS rice each 50Kg without a valid permission. He further submitted the vehicle as well as the PDS rice were seized from the petitioners. He further submitted that investigation almost completed in this case. He opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact that the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-IV, Vellore, and on further condition that:

[a] the petitioners shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Judicial Magistrate-IV, Vellore District, within 15 days from the date of commencement of the Court's normal functioning, failing which the anticipatory bail granted by this Court shall stand dismissed automatically;

(c) the first petitioner shall report before the respondent police monthly twice i.e., 1st and 15th of every month at 10.30 a.m. and the second petitioner shall report before the respondent police on every Saturday at 10.30 a.m. until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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/-

12/01/2022

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.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO.730

CRL OP.25888/2021

Date :12/01/2022

RW 28/01/2022