



Crl.O.P.No.29123 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29123 of 2023

Kesavan
S/o.Raja

...Petitioner/Accused

Vs.

The State represented by
Inspector of Police,
CSCID Police, Tirupathur Unit,
Tirupathur District.
Crime No.131 of 2023

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C.
praying to enlarge the petitioner on bail in the event of his arrest in Crime
No.131 of 2023 on the file of respondent police.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Mr.V.Meganathan
Government Advocate [Crl.side]



Crl.O.P.No.29123 of 2023

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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 r/w 7(1)a(ii) of E.C. Act, 1955 in Crime No.131 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, who is arrayed as A2 in this case, illegally transported 3100 kgs. of P.D.S. rice, resulting in registration of the case.

3. Learned counsel for petitioner submits that the petitioner is an innocent person and he has nothing to do with the alleged offence.

4. Learned Additional Public Prosecutor submits that the petitioner is the driver of the offending vehicle and the entire contraband was seized and investigation is pending.

5. Considering the rival submissions made on either side and also



CrI.O.P.No.29123 of 2023

considering the fact that no previous case is pending against the petitioner and considering the nature of offences, this Court is inclined to grant anticipatory bail to the petitioner, subject to 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate IV, Vellore, Vellore District, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

P.DHANABAL, J.



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Crl.O.P.No.29123 of 2023

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[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.12.2023

gm/rsi

To

- 1.The Judicial Magistrate IV,
Vellore, Vellore District.
- 2.The Inspector of Police,
CSCID Police, Tirupathur Unit,
Tirupathur District.
Crime No.131 of 2023
- 3.The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.29123 of 2023