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Crl.O.P.No.12166 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM:

**THE HON'BLE MR.JUSTICE R.SAKTHIVEL**

**Crl.O.P.No.12166 of 2024**

Senthilkumar

Son of Seenivasan

... Petitioner/Accused-2

Versus

**State rep. by:**

The Inspector of Police,  
Civil Supply Crime Investigation Department,  
Salem Police Station.  
(Crime No.112 of 2024)

... Respondent/Complainant

For Petitioners : Mr.R.Rajan  
For Respondent : Mr.C.E.Pratap  
Government Advocate (Crl.Side)

**PRAYER:** Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to enlarge the petitioner/accused-2 on anticipatory bail in Crime No.112 of 2024 on the file of the respondent police.

**ORDER :** The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant anticipatory bail.



2. The petitioner/accused-2 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6 (4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 & Section 7 (1) (a) (ii) of Essential Commodities Act, 1955 in Crime No.112 of 2024, on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant herein is the Special Tashildar, Flying Squad, Salem. On 06.05.2024, the flying squad intercepted his lorry bearing registration number TN-28-AT-9090 and found that 168 gunny bags of PDS rice, totally weighing 7319Kg (7.3 Tons) were smuggled. On investigation, the defacto complainant found that the first accused collected the rice bags from general public and sold them to the petitioner/second accused. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The rival competitors of the petitioner's business had misled the Special Tahsildar/defacto complainant. He further submitted that if this Court grants anticipatory bail to the petitioner, he is ready to produce local sureties to the satisfaction of the Court. He therefore prayed to grant an order of pre-arrest bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the



respondent police submitted that the petitioner illegally and without license or authority smuggled 7.3 Tons of PDS rice through first accused and the petitioner has two previous cases similar in nature. He further submitted that if the petitioner is released on pre-arrest bail, there is a possibility of committing him similar offences in future. Hence, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Though, the petitioner has two such previous cases, considering the facts and circumstances of the case, submission of the learned counsel appearing for the petitioner that the petitioner has deep roots in the society and that he is just the owner of the vehicle bearing Reg. No.28 AT 9090, with a view to give him one more opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner with conditions. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of their arrest or in the event of their surrender before the Judicial Magistrate No.2 Court, Salem within a period of 15 days from today, on executing a bond for a sum of



Rs.50,000/- (Rupees Fifty Thousand only) each along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned **Judicial Magistrate No.2, Salem.**

(ii) The petitioner shall appear and sign before respondent Police, daily at 10.00 a.m., and 05.00 pm until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.2, Salem shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall make herself available for interrogation by police as and when required;

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave India without the prior permission of the Court; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

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Index : Yes/No

Internet : Yes/No

Neutral citation : Yes/No

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**Note:-**

- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**

**R.SAKTHIVEL, J.**

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To

1. The Judicial Magistrate No.2, Salem.



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2. The Inspector of Police,  
Civil Supply Crime Investigation Department,  
Salem Police Station, Salem District.

3. The Public Prosecutor,  
High Court, Madras.

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