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Crl.O.P.No.12095 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.12095 of 2024

Ranjitha

... Petitioners/Accused

Versus

State rep. by:

The Inspector of Police,
Civil Supply Crime Investigation Department,
Tiruppur Unit, Tiruppur District.
(Crime No.94 of 2024)

... Respondent/Complainant

For Petitioners : Mr. N.Ponraj
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 on anticipatory bail in Crime No.94 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 14.05.2024 under Section 438 of the Criminal Procedure Code, 1973 (Act No.2 of 1974) praying to grant anticipatory bail.



2. The petitioner/accused, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 6 (3) and 14(1) (c) of TNSC (RDCS) order 1982 r/w 7 (1) (a) (ii) of Essential Commodities Act, 1955 (EC Act) and Sections.403 and 408 of IPC in Crime No.94 of 2024, on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant is the Deputy Registrar of Public Distribution System and the petitioner is the sales woman in the Ration Shop (32CB052PY) at Natchipalayam. The petitioner did commit certain irregularities in the said Ration Shop and thereby caused loss to the institution. Hence, the case.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and she has been falsely implicated in this case and that no previous case is pending against the petitioner. Further, she has remitted the shortage amount to the Department. 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 did commit certain irregularities and caused loss to a tune of Rs.27,873/- and the said amount has been recovered from the petitioner by the Department. He further submitted that if the petitioner is released on pre-arrest bail, there is a possibility of has committing similar offences in future. However, he fairly conceded that no previous case is pending against the petitioner. Hence, he prayed to dismiss this Criminal Original Petition.

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

7. Considering the nature of the offence, the fact that there is no previous case and also the subsequent development that the petitioner has remitted the shortage amount to the Department, this Court is of the view that custodial interrogation is not necessary. Considering the above and also with a view to offer an opportunity to reform herself, 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.



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(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 Court, Palladam within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the **Judicial Magistrate Court, Palladam.**

(ii) The petitioner shall appear and sign before respondent Police, weekly once i.e., on Monday at 10.00 a.m., 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 Court, Palladam 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 **P.K.Shaji Vs. State of Kerala [(2005)13 SCC 283]**.

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

17.05.2024

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.**



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R.SAKTHIVEL, J.

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To

1. The Judicial Magistrate Court, Palladam.
2. The Inspector of Police,
Civil Supply Crime Investigation Department,
Tiruppur Unit, Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.

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