

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12259 of 2019

HASSBULLA

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

C.S.C.I.D. POLLACHI,

COIMBATORE DISTRICT.

CRIME NO.100/2019

[RESPONDENT]

For Petitioner : M/S.P.KALIMUTHU Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodity (RDCS) Order, 1982 and r/w Section 7 (1)(A)(1)(ii) of the Essential Commodities Act, 1955, in Crime No.100 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in possession of 1200 Kgs of PDS rice and it was seized by the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that the petitioner was found in possession of 1200 Kgs of PDS rice and the respondent police have seized the same. However, she vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner shall donate 5 bags containing 50 Kgs of Ponni rice to the **St. Anne's Home for the aged, R.S.Road, Gudiyatham, Vellore - 632 602 Ph - 04171 - 223737** and on such donation, the petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned IV Judicial Magistrate, Coimbatore and on his executing 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 the petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] 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;

[b] the petitioner shall donate 5 bags containing 50 Kgs of Ponni rice to the **St. Anne's Home for the aged, R.S.Road, Gudiyatham, Vellore - 632 602 Ph - 04171 - 223737.**

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

[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;

[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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
08/05/2019

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, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
C.S.C.I.D. POLLACHI,
COIMBATORE DISTRICT.

6 THE ST.ANNES HOME FOR THE AGED,
R.S.ROAD, GUDIYATHAM,
VELLORE-632 602
PH.04171 223737

+1CC to M/S.P.KALIMUTHU Advocate on payment of necessary
charges SR NO.9565

CRL OP.12259/2019

Date :08/05/2019

MK:09/05/2019