

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.06.2020
CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8571 of 2020

Biayas

... Petitioner/A1

Vs.

State rep. by its
Inspector of Police,
Civil Supply CID,
POLLACHI,
Coimbatore District.
(Crime No.97 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C., praying, to grant Anticipatory bail to the petitioner in the event of his arrest in Crime No.97 of 2020 pending on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 6 (4) of TNSC (RDCS) Order 1982 r/w. 7 (i) (a) (ii) of Essential Commodities Act 1955 in Crime No.97 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 50 Kg. X 40 bags = 2000 Kgs of PDS Rice. Thereafter the respondent police enquired and registered the FIR against the petitioner and other persons.

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 50 Kg. X 40 bags = 2000 kgs of PDS Rice. He would also submit that there are no previous cases pending against the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall donate 4 numbers of rice bags 50 kgs each in all total 200 kgs of ponni rice to the Eliya Age Home, Kanuvai, Thadagam Road, Coimbatore, Phone Number:9843338946 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 Judicial Magistrate No.IV, Coimbatore, and the petitioner shall executing a bond for a sum of Rs.5,000/- (Rupees Five 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 15 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 4 numbers of rice bags weigh about each 50 kgs in all total 200 kgs of ponni rice to the Eliya Age Home, Kanuvai, Thadagam Road, Coimbatore, Phone Number:9843338946;

[c] the petitioner shall appear before the respondent police 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]

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

-sd/-
12/06/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
POLLACHI, COIMBATORE DISTRICT.

5 THE ELIYA AGE HOME,
KANUVAI, THADAGAM ROAD,
COIMBATORE.
PHONE NUMBER:9843338946

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges

CRL OP.8571/2020

Date :12/06/2020

MK:14/07/2020

WEB COPY