

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2020

CORAM

THE HONOURABLE Mr. JUSTICE N.ANAND VENKATESH

Crl. O.P. No.8617 of 2020

Kaja Mohideen

... Petitioner

-Vs-

State rep. by its
Inspector of Police,
Civil Supply CID,
Pollachi.
Coimbatore District.
(Crime No.60 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.60 of 2020 pending on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi
For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 6(4) of TNSC

(RDCS) Order 1982 r/w.7(i) (a) (ii) of Essential Commodities Act, 1955 in Crime No.60 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found illegal possession of 1150 kgs of PDS rice.

3. The learned counsel appearing for the petitioners would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the petitioner was found in possession of 1150 kgs of PDS Rice. He would also submit that there is no previous case against the petitioner.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with 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 No.IV, Coimbatore, on condition that the petitioner shall execute 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall donate 3 number of rice bags weigh about each 50 kgs in all total 150 kgs of ponni rice to the **Eliya Age Home, Kanuvai, Thadagam Road, Coimbatore, Phone Number:98433 38946.**

(c) the petitioner shall report 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 Judicial 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 229A IPC.

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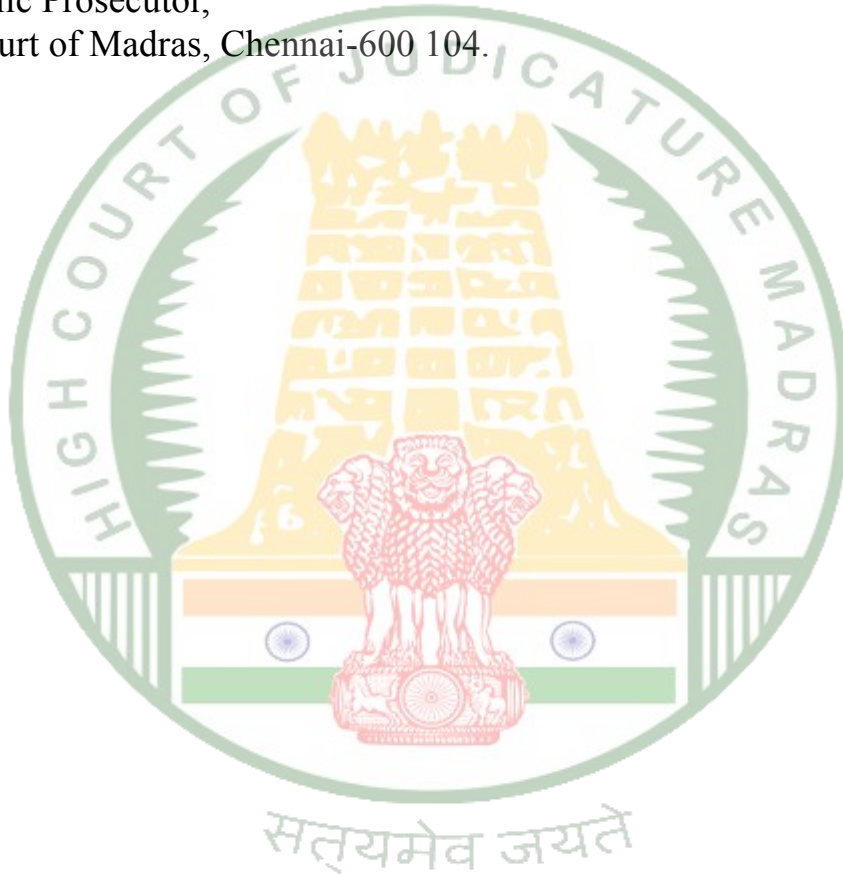
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Index: Yes/No

Speaking Order: Yes/No

To

1. The Judicial Magistrate No.IV,
Coimbatore District.
2. The Inspector of Police,
Civil Supply CID,
Pollachi, Coimbatore District.
3. The Public Prosecutor,
High Court of Madras, Chennai-600 104.



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N.ANAND VENKATESH, J.

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