

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NO.8745 of 2020

Mohammed Thoufiq

... Petitioner/A2

Vs.

State rep by
The Inspector of Police,
CSCID Police Station,
Pollachi,
Coimbatore District.
(Crime No.88 of 2020)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.88 of 2020 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

ORDER

The Petitioner who was arrested and remanded to judicial custody on 10.05.2020 for the offences punishable under Section 6(4) of TNSC(RDCS) Order

1982 r/w 7(1)(a)(ii) of EC Act, 1955, in Crime No.88 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the Special Tahsildar of Civil Supplies, Pollachi on 06.05.2020, had conducted the inspection in the Rice Mill of A3 accused and found PDS rice of 12 bags of each contain 50 Kgs and hence the case has come to be registered.

3. The contention of the petitioner is that the petitioner has been falsely implicated in this case. Rice Mill does not belong to the petitioner. Since the petitioner had earlier involved in similar case, the petitioner has been falsely implicated in this case and he has been arrested on 10.05.2020. He further submitted that A1 and A3 in this case has been already granted bail by the lower court.

4. The learned Additional Public Prosecutor has submitted that there are totally three accused. In this case, A1 working in the rice mill. A2 is the petitioner who is the owner of the PDS rice. A3 is the rice mill owner. A1 and A3 were

arrested and they were released on bail by the Judicial Magistrate No.IV, Coimbatore.

5. Considering the facts and circumstances of the case and the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the Petitioner shall deposit a sum of Rs.5000/- (Rupees Five Thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020 (Bank: Andhra Bank, Madhya Kailash, SB A/C No.149710011005477), and on such deposit, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison, in which the Petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the Petitioner shall report before the Respondent Police as and when required for interrogation.

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) 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]; and

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

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16.06.2020

Internet: Yes/No

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M.NIRMAL KUMAR.,J.

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To

1.The Judicial Magistrate No.IV,

Coimbatore.

2.The Inspector of Police,

CSCID Police Station,

Pollachi,

Coimbatore District.

3.The Public Prosecutor,

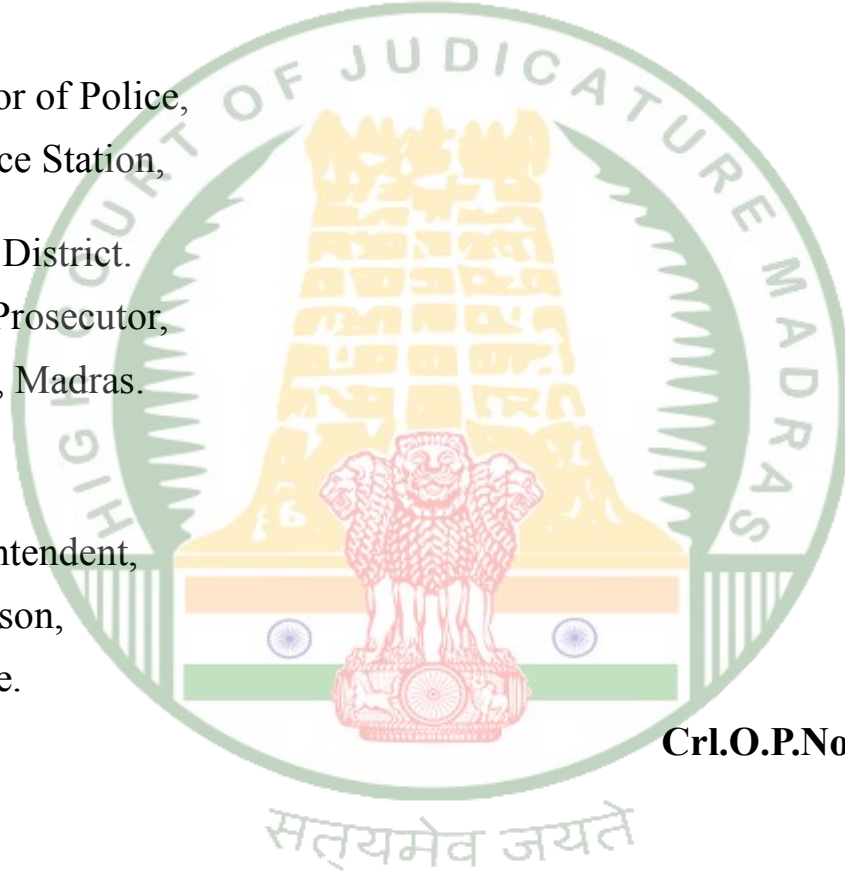
High Court, Madras.

Copy to

The Superintendent,

Central Prison,

Coimbatore.



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