



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NOs. 8886 & 8887 of 2020

Kaja Hussain

... Petitioner/A3 in
Crl.O.P.No.8886 of 2020

1. Ali Akbar
2. Susanthirakumar

... Petitioners/A4 & A5 in
Crl.O.P.NO.8887 of 2020

Vs.

State rep. By
The Inspector of Police,
CSCID-Pollachi Police Station,
Coimbatore District.

... Respondent in both Crl.O.Ps.

Common Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioners on bail in Crime No.97 of 2020 on the file of the respondent police.

In Both Petitions
For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

C O M M O N O R D E R

The Petitioners who were arrested and remanded to judicial custody on 05.06.2020 for the offences punishable under Sections 6 (4) of TNSC (RDCS) Order 1982 r/w.7(1)(a), (ii) of EC Act, in Crime No.97 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.06.2020, the respondent police on getting a secret information, conducting the vehicle checkup and were patrolling nearby Government School at Kottees Colony, Covai to Sundarapuram. At that time, they spotted some persons were loading the PDS rice in the Lorry bearing registration No.KL-41-N-2151. On seeing the patrolling party, they attempted to escape from the scene of occurrence. The defacto complainant caught one person and on enquiry and on search, they found that they were transported illegally PDS rice. In the lorry, they found 50 Kgs of 40 bags totally 2000Kgs of PDS rice without valid permit. Thereafter, the accused were arrested.



3. The learned counsel for the petitioner has submitted that A3 is the Coolie. A4 is the driver of the vehicle. A5 is the cleaner. They were not aware of the rice being PDS. They were engaged only for transportation of rice. Further submitted that A1 and A2 are the owners of the rice of which A2 had been granted Anticipatory Bail by this Court in Crl.O.P.NO.8571 of 2020 on 12.06.2020.

4. The learned counsel for the Additional Public Prosecutor has submitted that totally there are five accused in this case. A1 and A2 are the owners of the rice. A3 is the Coolie. A4 and A5 are driver and cleaner of the lorry respectively. They all joint together in transporting the PDS rice illegally to the tune of 2 tonnes valued about Rs.56,200/-. They were got red handed and the PDS rice has been seized and the accused were arrested. Further he submitted that the PDS rice meant for the needy is being illegally attempted to transport to Kerala. Hence, he opposed to grant Bail.

5. Considering the facts and circumstances of this case and submissions on either side and also consider the period of incarceration of the petitioners and the petitioners are only coolie, driver and cleaner and they are menial persons, further this Court had granted Anticipatory Bail to A2/Owner of the rice, in view of the same, this Court is inclined to grant bail to the Petitioners, subject to the following conditions:-

(a) the Petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each 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 Petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each before the Superintendent of the concerned prison, in which the Petitioners have been confined on their release;

(b) the petitioners 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 Petitioners shall report before the Respondent Police as and when required for interrogation.

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



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

(g) the Petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 Petitions are ordered.

-sd/-
18/06/2020

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID-POLLACHI POLICE STATION,
COIMBATORE DISTRICT.

5 THE CANCER INSTITUTE (WIA),
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI - 600 020
(BANK: ANDHRA BANK, MADHYA KAILASH,
SB A/C NO.149710011005477),



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

WEB COPY

MK:30/09/2020

CRL.OP.NOS.8886 & 8887 OF 2020

Date :18/06/2020