

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.8997 of 2020

Jero Joseph

... Petitioner

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 enlarge the petitioner/accused on bail in the event of arrest in connection with Crime No.97 of 2020, on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6 (4) of TNSC (RDCS) Order 1982 r/w. 7 (i) (a) (ii) of Essential Commodities Act 1955, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was found transporting 2000 kgs of PDS rice in his lorry illegally. The petitioner is the owner of the vehicle.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioners were found in possession of 40 number of rice bags weighing about each 50 kgs in all total 2000 kgs worth about Rs.1,00,000/-. He would also submit that there is no previous case 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 3 numbers of rice bags 50 kgs each in all total 150 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 his appearance before the learned Judicial Magistrate No.IV, Coimbatore, and the petitioner shall execute a separate 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 3 number of rice bags weighing about each 50 kgs in all total 150 kgs of ponni rice to the **Eliya Age Home, Kanuvai, Thadagam Road, Coimbatore, phone Number:9843338946**.

[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 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]**

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

-sd/-
19/06/2020

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

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

WEB COPY CRL OP.8997/2020
Date :19/06/2020

MN-TA-30/07/2020