

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9901 of 2020

1. Sumathi
2. Saravanan

... Petitioners

Vs.

The State Rep. By
The Special Sub-Inspector of Police,
CSCID - Chennai,
Salem.
Crime No.60 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.60 of 2020 on the file of the respondent.

For Petitioners : Mr.A.Raja Mohamed

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

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of TNSC (RDCS) order 1982 r/w.7(i) a(ii) of EC Act, 1995 in Crime No.60 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other two accused persons smuggled 5,000 kgs of PDS rice in Bolero Pick-up Van and Eicher Lorry. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that there are totally four accused persons in this case, the petitioners are arrayed as A1 and A2, husband and wife and they have nothing to do with the case as alleged by the prosecution. He would further submit that A3 and A-4 are drivers of vehicle. Therefore, they are no way connected with the present case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally four accused in this case, the petitioners are arrayed as A-1 and A-2, husband and wife and A-3 and A-4 are drivers of the vehicle. He would also submit that the second petitioner is an habitual offender and he has involved in similar kind of offences

and he has nine previous cases. As far as the first petitioner is concerned, she is having one previous case. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally four accused in this case, the petitioners are arrayed as A-1 and A-2, husband and wife and A-3 and A-4 are drivers of the vehicles they are arrested and subsequently released on bail. The second petitioner was involved in nine previous cases and all the cases are similar in nature.

6. Taking note of the facts and circumstances, this Court is not inclined to grant anticipatory bail to the second petitioner. Therefore, this Criminal Original Petition is dismissed as against the second petitioner. Hence, this Court is inclined to grant of anticipatory bail to the first petitioner with certain conditions. Accordingly, the first petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Hon'ble Chief Minister Public Relief Fund, Tamil Nadu within a period of fifteen days from the date on which the order copy made ready, and on such deposit, the first petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.2, Salem, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum 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 first 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 first petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Hon'ble Chief Minister Public Relief Fund, Tamil Nadu, and shall produce the said receipt before the Court below.

[c] the first 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 first petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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;

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

-sd/-
02/07/2020

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.2,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
CSCID-CHENNAI,
SALEM.

5 THE SECRETARY TO GOVERNMENT,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST. GEORGE, CHENNAI 600 009.

CC to M/.S A.RAJAMOHAMED Advocate on payment of necessary charges

CRL OP.9901/2020

Date :02/07/2020

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