

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10580 of 2020

Pichandi

... Petitioner

Vs.

State rep. By

...Respondent

The Sub-Inspector of Police,
CSCID Police Station,
Tiruvannamalai.
Crime No.43 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on Bail in the event of arrest in Crime No.43 of 2020 on the file of the respondent Police Station.

For Petitioner : M/s.E.Sathiyaraj
G.Balamanikandan

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

ORDER

(The case has been heard through video conferencing)

The petitioner who apprehends arrest at the hands of the respondent police for an offence punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 r/w Section 7(i) (a)(ii) of Essential Commodities Act, 1955 in Crime No.43 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that the accused named Ajith son of Arumugam was illegally carrying 52 bags of PDS rice in total 2600 kgs. by using TATA vehicle and on seeing the respondent Police dropped his vehicle and escaped from the spot. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case based on the confession given by the co-accused. On instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable organization. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of PDS rice involved in this case is 2600 kgs. and there is one previous case against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Normally, this Court does not grant Anticipatory Bail when there is previous case. However, since it is stated by the learned counsel for the petitioner that the petitioner is prepared to deposit some amount, this Court is of the opinion that the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only), as non refundable deposit to **'The District Collector, Tiruvannamalai'**, without prejudice to his rights and contentions before the Trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the Trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions :-

[a] The petitioner is directed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand Only) as non-refundable deposit either through RTGS/NEFT or Demand Draft in favour of **'The District Collector, Tiruvannamalai'** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or his appearance and on production of proof of deposit of the above amount and on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m., until further orders.

[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 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.

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

9. Post the matter on 06.08.2020, for reporting compliance.

-sd/-

15/07/2020

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 COURT NO.I,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
CSCID POLICE STATION,
TIRUVANNAMALAI

5 THE DISTRICT COLLECTOR,
TIRUVANNAMALAI.

CC to M/S. E.SATHIYARAJ Advocate on payment of necessary charges

CRL OP.10580/2020

Date :15/07/2020

TA-30/07/2020



WEB COPY