

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.10934 of 2020

1. S.Jegadeeskumar
2. M.Vivek

... Petitioners

Vs.

State by
The Inspector of Police,
CSCID Police,
Pollachi, Coimbatore.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in Crime
No.111 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Visvanathan

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

ORDER

(This case has been heard through video conference)

The Petitioners who apprehends arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Section 6(4) TNSC (RDCS) Order 1982 r/w 7(1) a(ii) of Essential Commodities Act 1955, in Crime No. 111 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.

2. The case of the Prosecution is that on secret information, the police officials were conducting patrol inspection. At that time, they found the petitioners with 23 bags of rice, each 50 kgs. along with a two wheeler. On enquiry, it was found that the petitioners had collected the PDS rice from several persons for selling them in the private market. Hence, the complaint was registered.

3. Learned counsel for the Petitioners submitted that the petitioners have been falsely implicated in the case based on the statement recorded from other accused. However, he would further submit that without prejudice to his defence, the petitioners are prepared

to deposit a considerable amount to any charitable organization and prayed for grant of Anticipatory Bail.

4. On the other hand, the learned Additional Public Prosecutor, while opposing to grant anticipatory bail, would submit that the petitioners were found in possession of 1,150 kgs of PDS rice. He further submitted that there is no previous case against the petitioners.

5. This Court is of the opinion that the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each by way of Cash or Demand draft as non refundable deposit to the **"The Commissioner of Corporation, Coimbatore"** for the purpose of **"Amma Canteen"** without prejudice to his rights and contentions before the trial Court.

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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 petitioners with certain conditions.

(a) The petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each by way of Cash or Demand Draft as non-refundable deposit to **"The Commissioner of Corporation, Coimbatore"** for the purpose of **"Amma Canteen"** within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioners are directed to be released on bail in the event of their arrest or their appearance and on production of proof of deposit of the above amount and on further condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for the likesum 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 petitioners shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioners 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 petitioners shall report before the respondent police on every Monday and Friday at 10.30am, until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 229A IPC.

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

9. Post on 13.08.2020 for reporting compliance.

23.07.2020

sli

Index: Yes/No

Internet/Yes/No

Speaking order/Non-speaking order

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To

1. The Judicial Magistrate No.IV, Coimbatore.
2. The Inspector of Police,
CSCID Police,
Pollachi, Coimbatore.
3. The Public Prosecutor,
Madras High Court, Chennai.

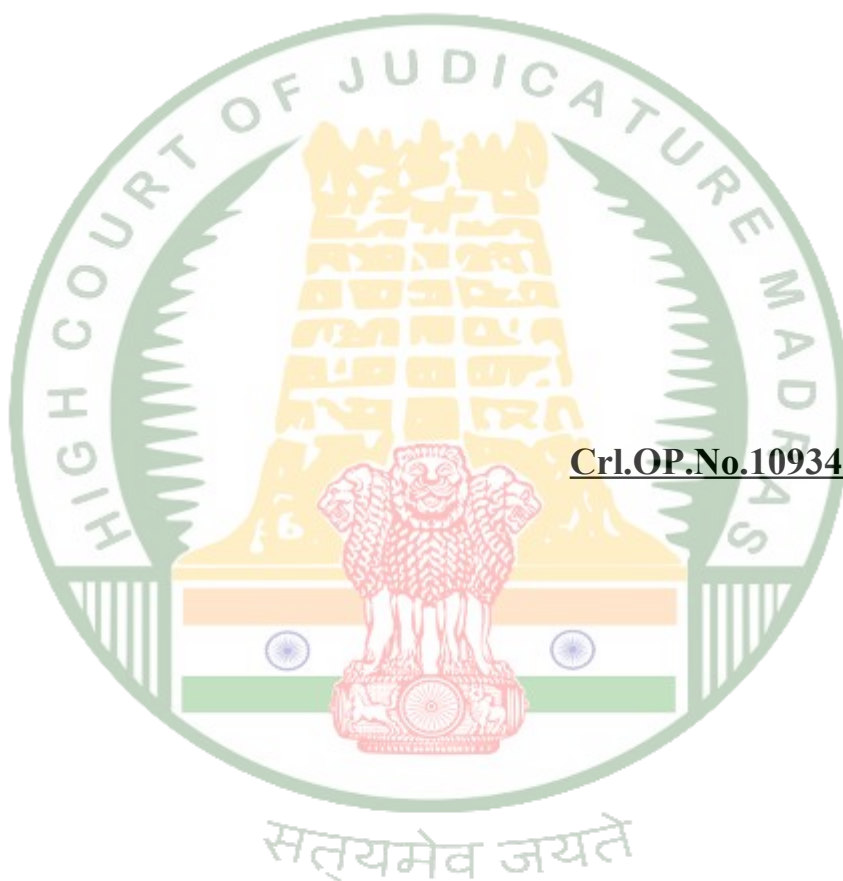


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CrI.OP.No.10934 of 2020

A.D.JAGADISH CHANDIRA, J

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CrI.OP.No.10934 of 2020

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23.07.2020

CrI.M.P.No.5472 of 2020

in

CrI.O.P.No.10934 of 2020

A.D.JAGADISH CHANDIRA, J.

(The case has been heard through video conference)

The matter is listed today under the caption “for being mentioned”.

2. The learned Counsel for the petitioner would submit that the petitioners were originally granted anticipatory bail by this Court vide order dated 23.07.2020 in CrI.O.P.No.10934 of 2020 with a direction to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each as non refundable deposit to the “Bar Council of Tamil Nadu and Puducherry (BCTNP) Advocates Relief Fund, within 15 days from the date of receipt of a copy of this order. However, due to financial problem, they were unable to comply with the order and thereby, they filed a modification petition in CrI.M.P.No.5472 of 2020 and this Court vide order dated 23.09.2020 was pleased to modify the said condition and directed the petitioners to deposit a sum of Rs.15,000/- each to the

“Bar Council of Tamil Nadu and Puducherry (BCTNP) Advocates Relief Fund. However, in the order dated 23.09.2020, some mistakes have crept into the order and that the Crl.M.P.No.5472 of 2020 has not been stated in the cause title and also the modified amount has not been reflected. Hence, prays for appropriate orders.

3. In view of the above submission so made by the learned Counsel for the petitioners, Registry is directed to make necessary corrections in the order copy dated 23.09.2020 in Crl.O.P.No.10934 of 2020 as follows:

1. In the cause title, the petition number shall be read as follows instead of Crl.O.P.No.10934 of 2020.

Crl.M.P.No.5472 of 2020

in

Crl.O.P.No.10934 of 2020

2. In paragraphs 1 and 3, the amount shall be corrected to **Rs.15,000/- (Rupees Fifteen Thousand Only)** each instead of **Rs.25,000/- each.**

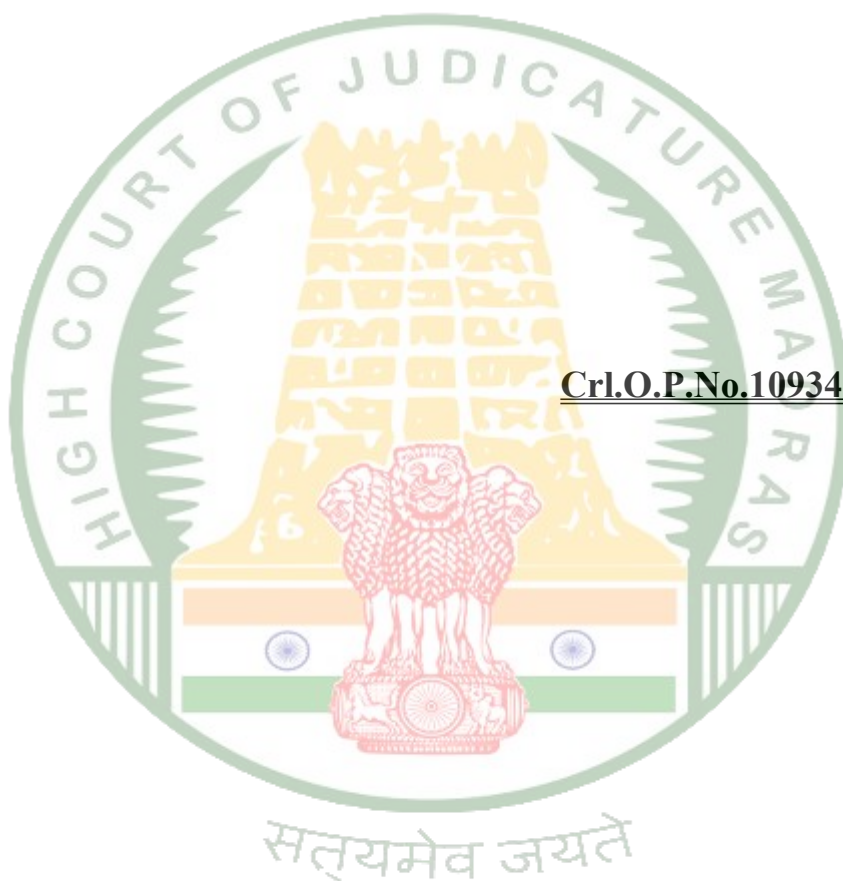
09.10.2020

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Crl.O.P.No.10934 of 2020

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09.10.2020