

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12005 of 2020

Muniraj

... Petitioner

Vs.

State rep. by its
The Inspector of Police
CSCID Police Station,
Krishnagiri,
Krishnagiri District.
Crime No. 40 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of the arrest in Crime No.40 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

(The case has been heard through video conference)

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 Section 7(i) a (ii) of Essential Commodities Act 1955 in Crime No. 40 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner along with other accused were found in possession of 25 jute bags of PDS rice each 50kg and totally 2500 kgs worth about Rs.70,250/-. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P.No.9708 of 2020 dated 29.06.2020. However, due to delay in uploading the order copy in the website, the petitioner was not able to surrender before the court below within the prescribed time and that the earlier order got lapsed. Hence, the present petition has been filed seeking for grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the quantity of Rice is 2500 kgs. He further submitted that there is no previous case pending against the petitioner.

5. This Court is of the opinion that the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of the Aringar Anna Cancer Institute, Kancheepuram, without prejudice to his rights and contentions before the trial Court. 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.

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

7. Accordingly, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of the Aringar Anna Cancer Institute, Kancheepuram, within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate-I, Krishnagiri, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or 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 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 deposit a sum of Rs.20,000/- (Rupees twenty thousand only) to the credit of the Aringar Anna Cancer Institute, Kancheepuram, and shall produce the said receipt before the Court below.

[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 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.

-sd/-
07/08/2020

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-I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

5 THE ARINGAR ANNA CANCER INSTITUTE,
KANCHEEPURAM.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.12005/2020

Date :07/08/2020

MN-TA-14/08/2020