

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12993 of 2020

Gomathi

... Petitioner

Vs.

State Rep. by
The Inspector of Police
CSCID - Chennai,
Krishnagiri District.
Cr.No.66 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 her arrest pending investigation in Crime No.66 of 2020, on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6(4) TNSC (RDCS) Order 1982 read with 7(i) (a) (ii) of Essential Commodities Act, 1955 in Crime No.66 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 14.08.2020 A1 and A2 had illegally transported the 30 Tons of P.D.S. rice in 14 wheeler lorry bearing registration No.TN 34 W 4199 belonged to the petitioner and that ration rice meant for public distribution. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent lady and she has been falsely implicated in this case. He would submit that the petitioner is the owner of the lorry and the lorry was engaged by some traders. On instruction, he would further submit that taking into consideration the present Covid pandemic situation the petitioner is prepared to donate/pay some considerable amount to any Amma Unavagam. Hence, he pray for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner's vehicle has been used for illegal transfer of rice. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the Municipality Commissioner, Krishnagiri District, for the purpose of using it to Amma Unavagam, within a period of fifteen (15) days from the date on which the order copy made ready, and on such payment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Krishnagiri, on condition that the petitioner shall execute a separate bond for a sum of Rs.20,000/- (Rupees Twenty 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 stands 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 report before the respondent police every day at 10.30 A.M. for one week thereafter as and when required for interrogation.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above direction, this Criminal Original Petition is ordered.

-sd/-
28/08/2020

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 NO.I,
KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS,
CHENNAI 600 104.

3 THE INSPECTOR OF POLICE,
CSCID-CHENNAI,
KRISHNAGIRI DISTRICT.

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

WEB COPY

CRL OP.12993/2020

Date :28/08/2020

MK:15/09/2020