

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13478 of 2020

Eswari

... Petitioner

Vs.

State rep. By

The Inspector of Police,
CSCID-Pollachi Police Station,
Coimbatore District.
(Crime No.106 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent police in Crime No.106 of 2020, on the file of the
respondent police.

For Petitioner : Mr.W.Camyles Gandhi

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 alleged offences punishable under Sections
6(4) of TNSC(RDCS) order 1982 r/w 7(1) (a), (ii) of E.C Act, in Crime
No.106 of 2020, on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution is that the petitioner and other
accused persons were illegally found in possession of 2400 Kgs of PDS
rice. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent person and he has been falsely
implicated in this case. He would further submit that without
prejudice to his defence, the petitioner is prepared to deposit an
amount of Rs.20,000/- and the petitioner has taken a Demand Draft
bearing D.D.No.386855, for an Amount of Rs.20,000/-, dated 08.9.2020,
in favour of "The Commissioner, Coimbatore Corporation" drawn at
Indian Bank. Therefore, he prays for grant of anticipatory bail the

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner and other accused persons were illegally found in possession of 2400 Kgs of PDS rice. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. The petitioner shall handover the Demand Draft to the Commissioner and get a receipt for the same. Accordingly, 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, within a period of two weeks from the date of receipt of copy of this order failing which, the petition for anticipatory bail shall stand dismissed automatically.

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

11/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

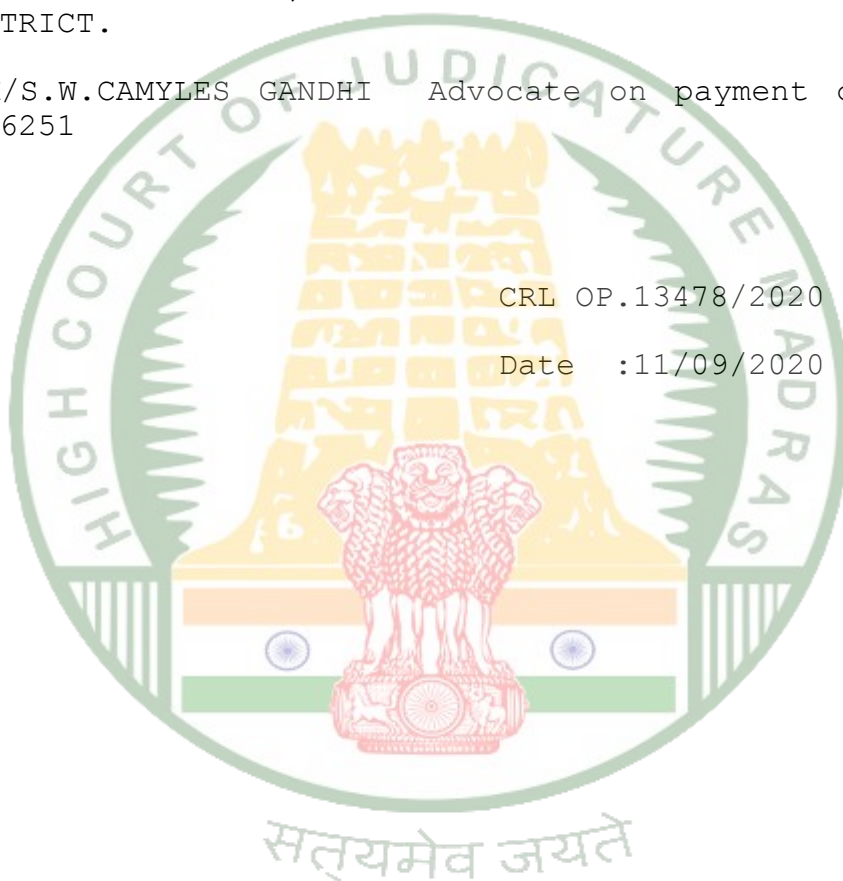
3 THE INSPECTOR OF POLICE,
CSCID POLLACHI POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.No.6251

CRL OP.13478/2020

Date :11/09/2020

cs 22/09/2020



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