

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.13502 of 2020

O.Kali

... 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 also submit that already this Court granted anticipatory bail to the petitioner in Crl.O.P.No.10777 of 2020, by an order dated 20.07.2020, in which one of the conditions imposed on the petitioner was " the petitioner is directed to deposit a sum of Rs.30,000/- as non refundable deposit through RTGS/NEFT or in cash in favour of "The Commissioner, Coimbatore Corporation", within fifteen days

from the date of receipt of a copy of that order. He would submit that due to the financial situation, the petitioner did not comply the said condition as ordered by this Court. Hence, the earlier anticipatory bail petition granted to the petitioner was dismissed automatically. However, the petitioner has now taken a Demand Draft bearing D.D.No.995953, for an Amount of Rs.30,000/-, dated 09.09.2020, in favour of "The Commissioner, Coimbatore Corporation" drawn at Indian Bank. Therefore, he prays for grant of anticipatory bail the petitioner.

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. Taking note of the facts and circumstances, this Court is of the opinion that the the petitioner shall deposit a DD for Rs.30,000/- drawn in favour of The Commissioner, Coimbatore Corporation".

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

8. 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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.

4 THE COMMISSIONER,
COIMBATORE CORPORATION

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR.NO.6250

CRL OP.13502/2020

Date :11/09/2020

GKS:18/09/2020