

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.09.2020

CORAM :

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

CrI.O.P.No.14799 of 2020

J.Safeer Ali

... Petitioner

Vs.

The State Represented by,
The Inspector of Police
CSCID Police Station,
Krishnagiri.
(Crime 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 his arrest in Crime No.66 of 2020 on the file of respondent police.

For Petitioner : Mr.W.Camyles Gandhi
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 offence punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) 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 as per secret information received by them, they intercepted the lorry and the accused were found to illegally transport 30 Tons of PDS rice without proper license and arrested two accused persons. 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 the petitioner is the owner of the lorry and the lorry was used without his knowledge and he is falsely implicated. He would further

submit that the petitioner is prepared to deposit some considerable amount to any charitable organization for Covid relief and to show his bonafides the petitioner had drawn a Demand Draft for a sum of Rs.30,000/- (Rupees Thirty Thousand Only) bearing No. 776562, dated 23.09.2020, in favour of **The Commissioner, Krishnagiri Municipality** and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the petitioner was illegally transporting 30,000 Kgs of PDS rice, without obtaining proper license. Hence vehemently opposed the grant of anticipatory bail to the petitioner. However he would submit that the petitioner has no previous case.

5. Considering the facts and circumstances of the case and the submissions made by either side, the petitioner is directed to handover the Demand Draft for a sum of Rs.30,000/- (Rupees Thirty Thousand Only) in favour of **The Commissioner, Krishnagiri Municipality** and on furnishing proof, he may be granted anticipatory bail with certain conditions. Further, this Court makes it clear that merely, because the petitioner deposits the said amount by DD, 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:-

(a) The petitioner shall produce the proof of handing over the Demand Draft bearing Sr.No.776562, dated 23.09.2020 for an amount of Rs.30,000/- (Rupees Thirty Thousand Only), to **the Commissioner, Krishnagiri Municipality [for use of Amma Unavagam]**. Thereafter, within fifteen 15 days from the date on which the copy of this order is made ready. Thereafter, the petitioner shall surrender before the Judicial Magistrate No.I, Krishnagiri and 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 police officer who intends to arrest, failing which the petition for anticipatory bail shall stands dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] 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.

[c] **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.**

[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 is 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.

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

-sd/-

28/09/2020

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.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID, KRISHNAGIRI,
KRISHNAGIRI DISTRICT.

5 THE COMMISSIONER,
KRISHNAGIRI MUNICIPALITY
[FOR USE OF AMMA UNAVAGAM].

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR.NO.6494

CRL OP.14799/2020

Date :28/09/2020