

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.15958 of 2020

1.Muruganantham
2.Kailasam
3.Madeshwaran
4.Vijayan (Nanthakumar)
5.Mahendran

... Petitioners

Vs.

State rep. by
The Inspector of Police,
CSCID Krishnagiri And Dharmapuri,
Dharmapuri District
(Crime No.57 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.57 of 2020 on the file of the respondent police.

For Petitioners : Mr. A.B.Kalaiselvan

For Respondent : Mr.M. Mohammed Riaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend 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 EC Act, 1955 in Crime No.57/2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were found to be illegally transporting 20,000 kgs of PDS rice without any valid licence or permit. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. However, on instruction, he would further submit that taking into consideration of the Covid pandemic situation, the petitioners without prejudice to their defence, is prepared to make considerable donation to any Charitable Organization

4.The learned Additional Public Prosecutor would submit that A1 & A2 are the owner of the rice mill, A3 is vehicle owner, A4 and A5 are the rice collectors and they have jointly smuggled 20,000 kgs of PDS rice without any valid licence or permit. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners. He would further submit that the petitioners have no previous cases to their credit.

5. In order to curb the illegal activities, this Court is of the opinion that each of the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to 'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB A/c.No.117201000000070, IFSC Code, No.IOBA0001172' without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners deposits the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions :-

[a] Each of the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of 'The Chief Minister's Public Relief Fund', Indian Overseas Bank, SB A/c.No.117201000000070, IFSC Code, No.IOBA0001172' within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioners are directed to be released on bail in the event of their arrest or on their appearance and on production of proof of payment of the above amount the petitioner shall execute a separate 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 Judicial Magistrate No.I, Dharmapuri failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners 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 petitioners shall report before the respondent police every Monday and Friday at 10.30 am until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

09/10/2020

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, DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID KRISHNAGIRI AND DHARMAPURI,
DHARMAPURI DISTRICT.

5 THE CHIEF MINISTERS PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK, SECRETARIAT BRANCH,
CHENNAI SB.A/C. NO.117201000000070, IFSC
CODE. NO.IOBA0001172

CC to M/S. A.E.KALAISELVAN Advocate on payment of necessary charges Sr.6815

CRL OP.15958/2020

Date :09/10/2020

RVR 14/10/2020