

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16516 of 2020

Jeyanthi

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
Civil Supplies CID,
Krishnagiri, Krishnagiri District.
[Crime No. 11 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of her arrest by the respondent police in Crime No. 11 of 2020, on the file of the respondent police.

For Petitioner : Mr.C.Prakasam

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 offence punishable under Sections 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 r/w.7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No. 11 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., S.Sivasamy, Sub-Inspector of Police, Civil Supplies CID, is that on 27.01.2020, the petitioner along with other accused was found in illegal possession 1500 kgs of PDS rice, worth Rs.1,42,050/-. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that earlier a case in similar nature was registered against the petitioner in the year 2017 and thereafter, no case was registered against her and that the respondent has wantonly implicated the petitioner in this case. However on instruction, he would further submit that without prejudice to her defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with another accused was found in illegal transportation of 1500 kgs of PDS rice by using a Tata Sumo Car. He would also submit that there is one previous case pending against the petitioner. Hence, he oppose to grant anticipatory bail to the petitioner.

5 This Court is of the opinion that the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the "Krishnagiri Municipal Commissioner, Krishnagiri District for the purpose of "Amma Unavagam" without prejudice to her rights and contentions before the trial Court.

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

7 Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:-

[a] The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as non refundable deposit to the "Krishnagiri Municipal Commissioner, Krishnagiri District for the purpose of "Amma Unavagam" within a period of fifteen (15) days from the date on which the order copy is made ready. Thereafter, the petitioner is directed to be released on bail in the event of her arrest or on her 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/- (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 Magistrate 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 every Monday and Friday 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.

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

9. Post the matter for "reporting compliance" on 23.11.2020.

-sd/-

02/11/2020

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, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, सत्यमेव जयते
CIVIL SUPPLIES CID, KRISHNAGIRI,
KRISHNAGIRI DISTRICT.

5 KRISHNAGIRI MUNICIPAL
COMMISSIONER, KRISHNAGIRI DISTRICT.

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

CRL OP.16516/2020

Date :02/11/2020

RVR 10/11/2020