

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P No.16570 of 2020

Chinnaraj

... Petitioner

Vs.

State rep. by

The Inspector of Police,
CSCID Police Station
Krishnagiri District
(Crime No.81 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.81 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.M. Mohammed Riaz

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. Section 7(i) (a) (ii) of EC Act, 1955, in Crime No.81 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found to be illegally transporting 1250 Kgs of PDS rice without any valid license or permit. Hence, the complaint.

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

4.The learned Additional Public Prosecutor would submit that the petitioner was in possession of 1250 Kgs of PDS rice without any valid licence. He would further submit that there are no previous cases pending against the petitioner. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. In order to curb the illegal activities, this Court is of the opinion that the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to "The Commissioner of Municipality, Krishnagiri, for the purpose of "Amma Unavagam" without prejudice to his right and contention before the trial Court.

6. Merely, because the petitioner deposits the said amount, it would not amount to admission of his 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 petitioner with certain conditions :-

[a] The petitioner is 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 Commissioner of Corporation, Krishnagiri, for the purpose of "Amma Unavagam" within fifteen (15) days from the date of receipt of a copy of this order and on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.I, Krishnagiri, on condition that 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 concerned Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[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 every Monday and Friday at 10.30 am 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.

-sd/-
16/10/2020

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,
KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
KRISHNAGIRI DISTRICT.

4 "THE COMMISSIONER OF MUNICIPALITY,
KRISHNAGIRI,
FOR THE PURPOSE OF "AMMA UNAVAGAM"

CC to Mr.M.Jayachandran Advocate on payment of necessary charges

CRL OP.16570/2020

Date :16/10/2020

MK:28/10/2020