

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2020

CORAM :

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

Crl.O.P.No.17948 of 2020

1.S.Venkatesan

2.A.Ayyappan

... Petitioners

Vs.

The State Represented by,
The Inspector of Police
CSCID, Pollachi Police Station,
Coimbatore District.
(Crime No.181 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of his arrest in Crime No.181 of 2020 on the file of respondent police.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondent : Mr.M.Mohamed Riyaz,
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 offence punishable under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) order 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.181 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioners along with the other accused had illegally transported 19000 Kgs of PDS rice without any valid permission. 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 without prejudice to their defence, the petitioners are prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners were illegally transporting 19000 Kgs of PDS rice without obtaining proper license. He further submitted that there are no previous cases pending against the petitioners. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. This Court is of the opinion that each of the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to the **"The Commissioner of Corporation, Coimbatore, for the purpose of "Amma Unavagam"** without prejudice to their rights and contentions before the trial Court.

6. Merely, because the petitioners deposit 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 petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to **"The Commissioner of Corporation, Coimbatore, for the purpose of "Amma Unavagam"** within a period of 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 deposit of the above amount and on further condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (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 stand dismissed automatically and on further condition that the petitioners 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 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 Aassbar 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 a.m., 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 are 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.

Post the matter for "reporting compliance" on 10.12.2020.

-sd/-
19/11/2020

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.IV,
COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DIST. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID, POLLACHI POLICE STATION,
COIMBATORE DIST.

5 THE COMMISSIONER OF CORPORATION, COIMBATORE,
FOR THE PURPOSE OF "AMMA UNAVAGAM

CC to M/S.M.VIJAYA RAGAVAN Advocate on payment of necessary charges

CRL OP.17948/2020

Date :19/11/2020

GKS:01/12/2020