

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2020

CORAM :

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

Crl.O.P.No.18331 of 2020

Rajalingam

... Petitioner

Vs.

State Represented by
The Inspector of Police
CSCID
Tiruvallur District
(Crime No.168 of 2018)

... 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.168 of 2018 on the file of the Respondent.

For Petitioner : Mr.T. Muruganantham

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This Case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 6(4) of the Scheduled Commodity Order and Section 7(1)(a)(II) of Essential Commodities Act, in Crime No.168 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally found in possession of 4000 Kgs of PDS rice . Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been granted anticipatory bail by this Court in Crl.O.P.No.13775 of 2020 vide order dated 07.01.2020 but the petitioner has wrongly mentioned the respondent, accordingly, he filed an amendment petition and filing this petition afresh. He would further submit on instructions, that the petitioner is prepared to deposit some considerable amount to any charitable organization or association without prejudice to his contention and prayed for grant of anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner was found in possession of 4000 Kgs of PDS rice. He further submitted that no previous case is pending against the petitioner. Hence, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is of the opinion that the petitioner to be directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) as non refundable deposit to The Commissioner of Municipality, Tiruvallur (for the purpose of Amma Unavagam) without prejudice to his rights and contentions.

6.Merely, because the petitioner has deposited 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. Considering 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 Municipality Tiruvallur District (for the purpose of Amma Unavagam) within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of deposit of the above amount before the Judicial Magistrate No.I, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the 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 petitioner shall also give an 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., 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 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/-
16/12/2020

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, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C.S.C.I.D, CHENNAI.
THIRUVALLUR DISTRICT

5 THE COMMISSIONER OF THE MUNICIPALITY,
TIRUVALLUR DISTRICT
[FOR THE PURPOSE OF AMMA UNAVAGAM]

+1CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges SR.No.8293

CRL OP.18331/2020

Date :16/12/2020