

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18999 of 2020

Arumugam

... Petitioner

Versus

State Rep.by  
The Inspector of Police,  
CSCID Police Station,  
Chennai.  
(Crime No.25 of 2020)

... Respondent

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.25 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Muthukumar

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 for the alleged offences under Sections 6(4) of Tamil Nadu Scheduled Commodities (Regulation, Distribution by Card System) (TNSC) (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities (E.C) Act, 1955, in Crime No.25 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is alleged to have transported 1300 kilograms of rice meant for Public Distribution illegally. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate appearing for the respondent police submitted that the petitioner was found in possession of 1300 kgs of PDS rice worth about Rs.40,000/-. He further submitted that there is no previous case against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. In order to curb the illegal activities of smuggling essential commodities meant for public distribution, 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 Commissioner of Corporation, Chennai, for the purpose of "Amma Unavagam" without prejudice to their rights and contentions 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.25,000/- (Rupees Twenty Five Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash in favour of "The Commissioner of Corporation, Chennai, 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 payment of the above amount

(b) 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.I, Thiruvallur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:-

[c] 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.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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 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].

[h] 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/-

08/12/2020

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,  
CBCID POLICE STATION,  
CHENNAI.

5 THE COMMISSIONER OF  
CORPORATION, CHENNAI (AMMA UNAVAGAM)

CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary charges  
SR.8055

CRL OP.18999/2020

Date :08/12/2020

RVR 15/12/2020