



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.20935 of 2020

Thirumalai @ Thirumalaivasan

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Civil Supply C.I.D. (Food Cell)
Krishnagiri
Krishnagiri District.
(Crime No.11 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No. 11 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Mohanraj

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

It is seen from the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) that the petitioner along with 2nd accused are being prosecuted for the offences under Sections 6(4) of the Tamilnadu Schedule Commodities (TNSC) Regulation of Distribution through Card System (RDCS) order, 1982 r/w 7(ii) of the Essential Commodities Act (E.C. Act) 1955, in Crime No.11 of 2020 on the file of the respondent police.

2. The learned counsel for the petitioner submitted that the 2nd accused had been granted Anticipatory Bail in Crl.O.P.No.16516 of 2020 dated 02.11.2020.

3. Considering the fact that the Co-accused had been released on anticipatory bail and investigation is almost completed, this Court is of the opinion that the petitioner may be released as on anticipatory bail on his depositing 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 his rights and contentions before the trial Court. 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.

4. 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 his arrest or on his 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 Judicial Magistrate Court - I, Krishnagiri, 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.



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

-sd/-
30/12/2020

WEB COPY

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 COURT-I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID (FOOD CELL),
KRISHNAGIRI,
KRISHNAGIRI DISTRICT.

5 THE "KRISHNAGIRI MUNICIPAL COMMISSIONER,
KRISHNAGIRI DISTRICT FOR THE PURPOSE OF
"AMMA UNAVAGAM"

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

CRL OP.20935/2020

Date :30/12/2020

TA-02/02/2021