

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.60 of 2021

Vijay

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Civil Supply CID
Pollachi,
Coimbatore District.
Crime No.201 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.201 of 2020, on the file of the Respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a) (ii) of EC Act 1955 in Crime No.201 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. There are totally three accused in this case and the petitioner is A3. The allegation is that the petitioner along with two other accused were found in illegal possession of 2000 kgs of PDS rice without any valid permit. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner/A3 is the owner of the PDS rice and that the co-accused/A1 & A2 have already been arrested and enlarged on bail. Therefore, he prays for anticipatory bail to the petitioner. However on instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association.

4.The learned Additional Public Prosecutor would submit that the petitioner along with two other accused had illegally transported 2000 kgs of PDS rice without obtaining proper license. He would further submit that the co-accused/A1 and A2 have already been arrested and enlarged on bail. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the co-accused have been arrested and released on bail, this Court is inclined to grant anticipatory bail and that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as non refundable deposit to the 'The Tamil Nadu Advocate Clerk Association, Indian Bank High Court Branch', A/C.No.484026006, IFSC Code. No. IDIB000M157, No.IOBA0000062 without prejudice to his 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.10,000/- as non-refundable deposit either through RTGS/NEFT or in cash in favour of 'The Tamil Nadu Advocate Clerk Association, Indian Bank High Court Branch', A/C.No.484026006, IFSC Code. No. IDIB000M157, and on such payment and production of proof of deposit of the above amount, he shall be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate No.IV, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees 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:

[a] the petitioner and the sureties shall affix his 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.

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

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

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

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

11/01/2021

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 [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
POLLACHI, COIMBATORE DISTRICT.

5 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT MADRAS, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO. 417

CRL OP.60/2021

Date :11/01/2021

MN-21/01/2021

<https://hcservices.ecourts.gov.in/hcservices/>