

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1053 of 2021

Nishath

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Civil Supply CID,
Pollachi, Coimbatore Dt.
(Crime No.04 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.04 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. W.Camyles Gandhi

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.01.2021 for the offence punishable under Section 6 (4) of TNSC (RDCS) Order 1982 r/w 7(i) (a) (ii) of E.C. Act, 1955, in Crime No.04 of 2021, seeks bail.

2. The case of the prosecution is that on 05.01.2021, when the respondent police was on regular patrol duty, they found that the petitioner said to have transported 10000 kgs. of PDS rice worth about Rs.56,500/- without getting any valid license from Government authority. Totally, there are three accused. The petitioner is arrayed as A1, who is a Driver was arrested on 06.01.2021 and A3 was also arrested. A2, owner of the vehicle is still absconding. In the said circumstances, the F.I.R. has been registered against him and vehicle has been seized. Now, the present petition has been filed seeking bail.

3. The learned counsel for the petitioner would submit that he is only driver of the vehicle and as per the instruction of owner, he has driven the vehicle. He would submit that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is arrayed as A1 and A2 in this case, who is the owner of the vehicle is still absconding and now, A3 was arrested. She would submit that the petitioner is not having bad antecedents. However, she vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and also considering the fact that the petitioner is not having bad antecedents and the petitioner is in judicial custody from 06.01.2021, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.IV, Coimbatore, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police, daily at 10.30 a.m. for the period of four weeks;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
25/01/2021

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO.831

MK:27/01/2021

CRL OP.1053/2021

Date :25/01/2021