

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1955 of 2021

Santhosh

... Petitioner

Vs.

State Rep by
Inspector of Police,
Gomangalam Police Station,
Gomangalam, Coimbatore District.
(Crime No.21 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioner herein in the event of arrest in Crime No.21 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Mohamed Hasain

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 7(1)(a)(ii) of the Essential Commodities Act 1955, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there are 5 accused in this case and the petitioner herein is A2. It is alleged that the petitioner along with other accused had purchased urea at subsidised rates without proper license or documents and utilised the same for commercial purposes. Hence the complaint.

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 anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the the petitioner along with other accused had purchased urea at subsidies rates without proper license or documents and utilised the same for commercial purpose. He would further submit that A4 and A5 were already granted bail. However, he opposed to grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that the A4 and A5 were already granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to 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 petitioners 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 Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix thier 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 229 A IPC.

-sd/-
08/02/2021

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,
GOMANGALAM POLICE STATION,
GOMANGALAM,
COIMBATORE DISTRICT.

+1 CC to M/S M.MOHAMED HASAIN Advocate on payment of necessary charges SR.NO.1283

सत्यमेव जयते

CRL OP.1955/2021

cs 11/02/2021

Date :08/02/2021

WEB COPY