

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2850 of 2021

S.Abudhdhagir

.. Petitioner

Vs.

State represented by
Inspector of Police,
C.S.C.I.D,
Coimbatore.
(Crime No.23 of 2021)

.. 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.23 of 2021 pending trial on the file of the respondent.

For Petitioner : Mr.V.Parthiban

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is A2. He apprehends arrest at the hands of the respondent police for the alleged offence under Section 6(4) of Tamilnadu Scheduled Commodities (RDCS) Order 1982, r/w. Section 7(1)(a) (ii) of Essential Commodities Act, 1955 in Crime No.23 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 who is the owner of the lorry, in which, 70 bags of PDS rice containing 50 Kgs each has been transported unauthorisedly for selling the same to the petitioner. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that A1 in this case, who is the driver of the lorry, without the knowledge of the petitioner, transported PDS rice unauthorisedly. Now, A1 has been arrested and released on bail and the petitioner is no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the driver/A1 has transported the PDS rice unauthorizedly based on the instructions given by the petitioner/A2. He would further submit that A1 in this case has been arrested and released on bail.

5. The learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) without prejudice to his defence.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Coimbatore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Mercy Home, No.64, Halls Road, Kilpauk, Chennai-600010, State Bank of India, Kilpauk Branch, (A/c.No.33136923317, IFSC No.SBIN0001853), within a period of two weeks from the date of receipt of a copy of this order without prejudice to his rights and contentions before the trial Court ;

(d) The petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

(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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-

17/02/2021

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, C.S.C.I.D.
COIMBATORE, CR.NO.23/2021.

5 MERCY HOME,NO.64, HALLS ROAD,
KILPAUK, CHENNAI-600010,
STATE BANK OF INDIA, KILPAUK BRANCH,
(A/C.NO.33136923317, IFSC NO.SBIN0001853)

+1 CC to M/S.V.PARTHIBAN Advocate on payment of necessary charges
SR.NO.1817.

CRL OP.2850/2021

Date :17/02/2021

EP-24/02/2021