

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM :

THE HON'BLE MR.JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.3162 of 2021

Mummoorthy

...Petitioner

/vs/

The State, rep. By
Inspector of Police,
Gomangalam Police Station,
Gomangalam, Coimbatore District.
Cr.No.21 of 2021.Respondent

PRAYER : Criminal Original Petition is filed under Section 439 Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.21 of 2021 pending investigation on the file of the respondent.

For petitioners : Mr. M. Mohammed Hasain

For respondent : Mrs. M.Prabhavathi
APP

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to Judicial custody on 31.01.2021 under Sections 7(1)(a)(ii) of Essential Commodities Act in Cr.No.21 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are five accused in this case and the petitioner is A1. The case of the prosecution is that the petitioner along with other accused were transporting subsidised urea without any license or permission. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel for the petitioner would submit that he has not purchased the urea and he has been falsely implicated in this case. He would further submit that the co-accused persons in this case was already arrested and enlarged on anticipatory bail. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was transporting

subsidised urea and selling the same for higher price. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that the co-accused persons in this case were already arrested and enlarged on bail, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Magistrate Court No.1V, 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 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.

(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/-

19/02/2021

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.

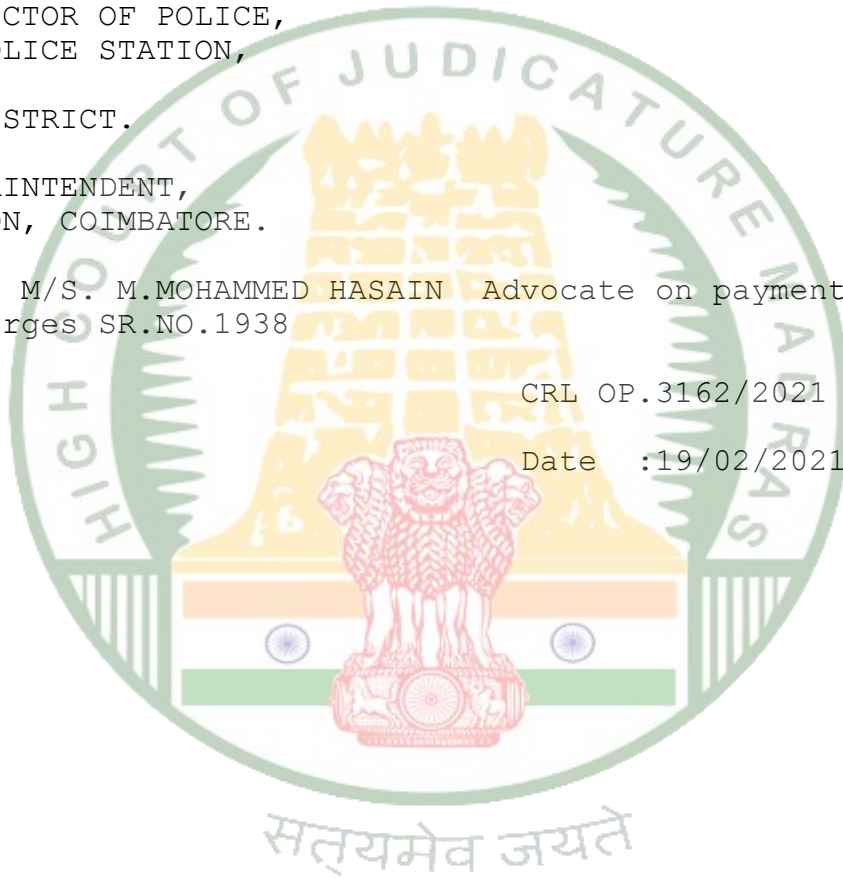
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S. M.MOHAMMED HASAIN Advocate on payment of
necessary charges SR.NO.1938

CRL OP.3162/2021

Date :19/02/2021

TA-22/02/2021



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