

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3187 of 2021

Velu

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
C.S.C.I.D., Police Station,
Krishnagiri District.
[Crime No.08 of 2021]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of of his arrest in Crime No.08 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. M.Jayachandran

For Respondent : Mr.S.Karthikeyan, APP

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime NO.08 of 2021 for the alleged offence punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(i)(a) (ii) of E.C. Act 1955, seeks anticipatory bail.

2. According to the prosecution, during routine raid, the petitioner was found to have transported 1600 KGs of rice meant for public distribution system in a lorry bearing Regn.No.TN 09 R 4654. Hence, the instant case was registered on a complaint from the Taluk Supply Officer of Pochampalli

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case only for statistical purpose and hence, he prays to grant anticipatory bail to the petitioner.

4. Further, the learned counsel for the petitioner, on instructions, submitted that the petitioner is prepared to denote a reasonable amount to any charitable institution without prejudice to his defence.

5. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed to grant anticipatory bail to the petitioner. He, however, submitted that there is no previous case reported as against the petitioner.

6. Considering the facts and circumstances of the case and taking note of the fact that the petitioner is prepared to donate a reasonable amount without prejudice to his contention, 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-I, Krishnagiri, Krishnagiri District, 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 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 donate a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of A/c No.016010100524384 maintained by SIP Memorial Trust, (AIDS Affected Children), 16, Nabigal Nayagam Nagar, Vetri Selvi Anbalagan Nagar. Chennai 600 082 with AXIX Bank [IFSC UTIB00000016], Anna Nagar, Chennai 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required by the police for interrogation.

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

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

[f] 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].

[g] 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/-

24/02/2021

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.I, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
KRISHNAGIRI DISTRICT.

5 SIP MEMORIAL TRUST, (AIDS AFFECTED CHILDREN),
16, NABIGAL NAYAGAM NAGAR, VETRI SELVI ANBALAGAN NAGAR.
CHENNAI 600 082 WITH AXIX BANK [IFSC UTIB0000016],
ANNA NAGAR, CHENNAI A/C NO.016010100524384

CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary charges

CRL OP.3187/2021

Date :24/02/2021

RVR 05/03/2021

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