

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.4692 of 2021

1. Kunjaan @ Sahadudheen ... Petitioners
2. Babu @ Rinshad

Vs.

The State Rep. by ... Respondent
The Inspector of Police,
Civil Supply CID, Ooty,
The Nilgiris.
(Crime No.14 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No. 14 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.R.Aranganathan

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

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioners are arrayed as A2 and A3. The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 6(4) of TNSC (RDCS) Order, 1982 r/w 7(1)(a)(2) of E.C. Act, 1955, in Crime No. 14 of 2021, on the file of the respondent police, and now, they have filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that, on a secret information, when the respondent police was on duty of inspecting the vehicle, they found that the petitioners said to have transported 22 bags of PDS rice in a mini lorry without getting any valid license from Government authority. 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 anticipatory bail. Now, it is stated that A1 is the driver of vehicle was arrested and the petitioners are the owner of the driver.

3. The learned counsel appearing for the petitioners would submit that they are poor villagers and they have collected rice only for the purpose of feeding cattle and they are not intended to sell it in open market. He would submit that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are having one more case of possessing banned tobacco products illegally. In this case, they are in possession of 22 bags, 50 kgs. each of PDS rice. He would submit that the investigation is almost completed. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the fact that the petitioners said to have collected the PDS rice for the cattle field, the arrested co-accused is also released on bail, and the investigation is almost completed, this Court is inclined to grant bail to the petitioners in subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **the learned Judicial Magistrate, Ooty, the Nilgiris** on condition that the petitioners 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, 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 petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders ;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 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];**

[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/-
17/03/2021

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,
OOTY, THE NILGIRIS.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
OOTY, THE NILGIRIS.

+1 CC to M/S. R.ARANGANATHAN Advocate on payment of necessary charges SR.NO.3519

CRL OP.4692/2021

Date :17/03/2021

TA-23/03/2021