

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twelfth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4920 of 2021

THANGAPANDI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
POLLACHI CSCID POLICE STATION,
COIMBATORE DISTRICT
(CRIME NO.44/2021)

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner is A3. Apprehending 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.44 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on routine checkup they intercepted a lorry and found 2300 kgs of PDS rice without valid permit. On enquiry it was found that the petitioner was the driver of the lorry and he along with A1, A2 and A4 has transported the PDS rice. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. Now, A1 has been arrested and released on bail and the petitioner is in 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 petitioner was involved in transporting huge quantity of PDS rice unauthorizedly. He would further submit that A1 in this case has been arrested and released on bail.

5. Considering the facts and circumstances of the case, and the fact that the petitioner is only the driver of the vehicle and a co-accused(A1) was arrested and released on bail, 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 shall appear before the respondent police as and when required 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/-
12/03/2021

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 NO.IV,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLLACHI CSCID POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO.3272

CRL OP.4920/2021

Date :12/03/2021

MK:19/03/2021

WEB COPY