

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07..06..2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.8334 of 2021

1.Nandhakumar
2.Sekar @ Gnanasekar

... Petitioners

-versus-

State Rep. by
Inspector of Police,
CSCID Police Station,
Coimbatore.
[Crime No.146 of 2020]

... Respondent

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.146 of 2020 on the file of the respondent.

For Petitioners : Mr. S.Senthilvel

For Respondent : Mr.R.Muniyapparaj,
Government Advocate (Criminal Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest in connection with the case in Crime No.146 of 2020 on the file of the respondent for the alleged offence u/s 6(4) of The Tamil Nadu Scheduled Commodities (RDSCS) Order, 1982 r/w Section 7(1)(a)(ii) of The Essential Commodities Act, 1955, seeks anticipatory bail.

2. The petitioners have been arrayed as A1 and A2 respectively. The allegation is that they were transporting 6600 KGs of rice meant for public distribution system illegally.

3. The learned counsel for the petitioners would submit that the petitioners are innocents of alleged offences. When the petitioners had refused to meet out the illegal demands of the department officials, a false complaint was given implicating the petitioners.

4. The learned Government Advocate opposed the petition stating that this is second petition for anticipatory bail and there is one previous case pending against the 1st petitioner and two previous cases are pending against the 2nd petitioner.

5. It appears that substantial part of the investigation is over with the search and seizure and no custodial interrogation will be required at this point of time. Considering the above facts and all other circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 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-IV, Coimbatore, on each of them 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 and on payment of Rs.10,000 (Rupees Ten Thousand only) by each petitioner either in cash or demand draft or through any other electronic mode to and in favour of The District Medical Officer, Coimbatore District, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 report before the respondent police as and when required by the police for interrogation.

[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 have been released on bail by the learned Magistrate himself /Trial Court 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.

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

-sd/-

07/06/2021

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,
IV, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT MEDICAL OFFICER,
COIMBATORE.

CC to S.SENTHILVEL Advocate on payment of necessary charges

CRL OP.8334/2021

Date : 07/06/2021

RVR 06/07/2021

WEB COPY