

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5804 of 2021

Abi @ Habeeb Rahuman

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Pollachi Civil Supply CID Police Station,
Coimbatore Dt.
(Crime No.50 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.50 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.U.Gokulakrishnan

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 26.02.2021 for the offence punishable under Section 6(4) of TNSC (RDSC) Order 1982 r/w 7(i) (a) (ii) of E.C. Act, 1955, in Crime No.50 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, on a secret information, when the respondent police was on duty of inspecting the vehicle, they found that the petitioner said to have transported 1250 kgs. of PDS rice without getting any valid license from Government authority. In the said circumstances, the petitioner was arrested on the same day, the F.I.R. has been registered against him and vehicle has been seized. Now, the present petition has been filed seeking bail.

3. The learned counsel for the petitioner would submit that he is only driver of the lorry and without knowing the fact that the rice were PDS rice, he has transported it. Now, he is in jail for more than one month. He would submit that he has not committed any offence as alleged by the prosecution and he has been falsely

implicated in this case. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is owner cum driver of the lorry and he has only transported 1250 kgs. of PDS rice. She would submit that the petitioner is having three previous cases against him and A2 is still absconding. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the petitioner is owner cum driver of a lorry and also considering the fact that the petitioner is in jail for nearly one month, this Court is inclined to grant bail to the petitioner subject to the following conditions :-

(a) The petitioner is ordered to be released on bail 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 learned Judicial Magistrate No.IV, 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, on his release from prison, shall report before the respondent police, daily at 10.30 a.m. for the 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 filed against him under Section 229A IPC.

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

-sd/-
24/03/2021

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 CIVIL SUPPLY CID POLICE STATION,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.U.GOKULAKRISHNAN Advocate on payment of necessary charges SR NO. 3974

WEB COPY

CRL OP.5804/2021

Date :24/03/2021

MN-25/03/2021