

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.6232 of 2021

Raj kumar

... Petitioner

Vs.

State by its
The Inspector of Police,
Civil Supply CID
Pollachi,
Coimbatore District.
Crime No.64 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to grant bail to the petitioner pending investigation in Crime No.64 of 2021 on the file of the respondent police.

For Petitioner : Mr. W. Camyles Gandhi

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 10.03.2021 for the offences punishable under Sections 6(4) of TNSC (RDCS) order 1982 r/w. 7(1)(a)(ii) of E.C. Act 1955 in Crime No.64 of 2021 on the file of the respondent police, seeks bail.

2. Totally there are 3 accused in this case and the petitioner is arrayed as A1. The case of the prosecution is that the petitioner said to have illegally transported 25,410 kgs of PDS rice in a Lorry without any valid permit. Hence the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner was not aware of the fact that the rice in the lorry was PDS rice. He would further submit that as per the instructions given by A2, he had transported the PDS rice to deliver it to A3 and this petitioner has nothing to do with the alleged offence and he has been falsely implicated in this case only for statistical purpose . Now, he is in jail for more than 25 days, hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner was illegally transporting 25,410 kgs of PDS rice in a Lorry without any valid permit. She would further submit A2 is the owner of rice and the petitioner said to have transported the rice to deliver it to A3. She would further submit that A2 and A3 are still absconding and the petitioner is the owner of the lorry. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that the petitioner is the owner cum driver of the lorry, said to have transported the rice only to deliver it to A3 and A2 and A3 are the main accused in this case and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on their 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 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 appear before the respondent police daily at 10.30 a.m until further orders.

(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 registered under Section 229A IPC.

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

-sd/-

30/03/2021

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID, POLLACHI,
COIMBATORE DISTRICT.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.4222

CRL OP.6232/2021

Date :30/03/2021

cs 31/03/2021