

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.7902 of 2021

HABIBULLAH

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID-POLLACHI,
COIMBATORE DISTRICT.
(CR.NO.205/2020)

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

For Respondent : M/S.V.SARATHA DEVI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Section 6(4), TNSC (RSCS) Order 1982 r/w.7(i)(a)(ii) of E.C.Act 1955 in Crime No.205 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on routine checkup the respondent police intercepted a tempo traveller and found 2950 kgs of rice without valid permit. On enquiry, it was found that A1 transported the rice for the petitioner. Hence, the complaint came to be registered.

3. The learned Government Advocate, on instructions, would submit that co-accused in this case was released on bail and investigation in this case was already over.

4. Considering the facts and circumstances of the case and also the fact that co-accused in this case was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with some conditions.

5. 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 on which the order copy made ready, before the Judicial Magistrate No.IV, Coimbatore, on condition that the

petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC;

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

-sd/-
28/04/2021

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,
CIVIL SUPPLY CID-POLLACHI,
COIMBATORE DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.5457

CRL OP.7902/2021

Date :28/04/2021

TA-04/05/2021



WEB COPY