

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.7817 of 2021

KULANDHAISAMY

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
COIMBATORE DISTRICT
CR NO.64/2021

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

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government 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 at the hands of the respondent police for the alleged offence under Sections 6(4) of TNSC (RDCS) Order 1982, r/w 7 (1)(a)(ii) Essential Commodities Act 1955 in Cr.No.64 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 10.03.2021, the petitioner along with other accused person were found in illegal possession of 27,410/- Kgs of PDS rice. Based on the confession given by the co-accused, the respondent police has registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. On instructions, he would further submitted that the petitioner is prepared to deposit a sum of Rs.1,50,000/- in favour of DMO, Coimbatore for treating Covid-19 Patients without prejudice to his contention and prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner along with other accused were found in possession of 27,410/- Kgs of PDS rice. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by either side, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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-IV, Coimbatore, on condition that the petitioner shall execute 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 further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) as non-refundable deposit either through RTGS/NEFT or in cash or demand draft in favour of the District Medical Officer, Coimbatore, for the treatment of Covid-19 affected persons, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
26/04/2021

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,
COIMBATORE DISTRICT

5 THE DISTRICT MEDICAL OFFICER,
COIMBATORE.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.5292

WEB COPY

CRL OP.7817/2021

Date :26/04/2021

cs 23/06/2021