

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.8311 of 2021

Abbas

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Civil Supply CID,
Pollachi, Coimbatore District.
(Crime No.95 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.95 of 2021 on the file of the Respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

O R D E R

(The case has been heard through video conference)

The petitioner apprehends arrest by the respondent police 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.95 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant on a secret information went to the place of the occurrence and found the Vehicle bearing Registration No.KL-09-C-7646-TATA 407 which is owned by the petitioner, was carrying 2000 kgs of PDS Rice illegally without any valid permit.

3. However, it is the case of the petitioner/A2 that he is no way involved in the commission of offence and he is innocent.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is having two previous cases with regard to the illegal transportation of PDS Rice.

5. At this juncture, the learned counsel for the petitioner would submit that the value of 2000 kgs of PDS Rice which has been seized by the respondent police is approximately Rs.11,000/-.

6. After giving due consideration to the aforementioned factors, this Court is inclined to grant anticipatory bail to the petitioner subject to the fulfilment of the following conditions.

7. 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 lifting of lock down or the commencement of Courts normal functioning whichever is earlier, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioner shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the Chief Medical Officer, District Head Quarters Hospital (GH), Coimbatore, towards Covid-19 relief. The said amount shall be paid by way of Demand Draft (DD) or National Electronic Funds Transfer (NEFT) and the Court below is directed to entertain the bail bond only on production of proof for payment of the said sum;

[b] the petitioner and 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 petitioner shall report before the respondent police 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].

[g] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

10/06/2021

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,
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 CITY.

5 THE CHIEF MEDICAL OFFICER,
DISTRICT HEAD QUARTERS HOSPITAL (GH),
COIMBATORE.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No.6432

CRL OP.8311/2021

Date :10/06/2021

cs 28/06/2021