

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07..06..2021

CORAM

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.8576 of 2021

Saheer

... Petitioner

-versus-

The State Rep. by its
Inspector of Police,
Civil Supply CID,
Pollachi,
Coimbatore District.
[Crime No.52 of 2021]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.52 of 2021 on the file of the respondent police.

For Petitioner : Mr. W.Camyles Gandhi

For Respondent : Mr.R.Muniyapparaj,
Government Advocate (Criminal Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.52 of 2021 on the file of the respondent for the alleged offence u/s 6(4) of Tge Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of The Essential Commodities Act, 1955, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Government Advocate and also perused the records carefully.

3. The allegation is that the petitioner and other accused had procured PDS rice from various beneficiaries in order to sell to need customers on high price and sharing the profits. The total quantity of rice seized was 11200 kgs.

4. The learned counsel for the petitioner would submit that the petitioner is innocent of alleged offences. When the petitioner had refused to meet out the illegal demands of the department officials, a false complaint was given implicating the petitioner. The learned counsel further, on instructions, submitted that without prejudice to his rights and contentions, the petitioner is prepared to donate a considerable amount to charity and prays for grant of anticipatory bail.

5. The learned Government Advocate opposed the petition stating that this is second petition for anticipatory bail and there is one previous case reported as against the petitioner.

6. It appears that substantial part of the investigation is over with the search and seizure and no custodial interrogation will be required at this point of time. Considering the above facts and all other circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

a) 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 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on payment of Rs.15,000 (Rupees Fifteen Thousand only) either in cash or demand draft or through any other electronic mode to and in favour of The District Medical Officer, Coimbatore District, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[b] 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 by the police 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 has been released on bail by the learned Magistrate himself /Trial Court 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
07/06/2021

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 DISTRICT.

5 THE DISTRICT MEDICAL OFFICER,
COIMBATORE DISTRICT.

+1CC to M/S.W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO.6374

CRL OP.8576/2021

Date :07/06/2021