

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8561 of 2021

1 M.IBRAHEEM [ PETITIONERS / ACCUSED ]  
2 HABIBULLAH  
3 MUBARAK.A

Vs

STATE REP.BY ITS [ RESPONDENT ]  
THE INSPECTOR OF POLICE,  
CIVIL SUPPLY CID,  
POLLACHI,  
COIMBATORE DISTRICT.  
CR.NO.106 OF 2021.

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

For Respondent : M/S.T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6(4) of Tamil Nadu Scheduled Commodity (RDCS) Order, 1982 and r/w Section 7 (1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.106 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 100 bags of PDS rice each bag containing 40 Kgs.

3. The learned counsel appearing for the petitioners submit that the petitioners have been falsely implicated in this case and they are no way connected with the alleged offence. Hence, they pray to grant anticipatory bail to the petitioners. However, without prejudice to their rights and contentions, the petitioners are willing to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each to any public charity, as may be ordered by this Court.

4. The learned Additional Public Prosecutor submitted that the petitioners were found in possession of 100 bags of PDS rice each bag containing 40 Kgs. He also submits that the petitioners 1 and 2 have previous cases against them and the 3<sup>rd</sup> petitioner has no previous case against him. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances, and also the fact that the petitioners, on their own volition, are ready and willing to pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) each to any public charity, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are directed to pay a sum of Rs.25,000/- (Rupees twenty five thousand only) each through NEFT/RTGS/Cash/Demand Draft to the Commissioner of Corporation, Pollachi for the purpose of spending the amount towards providing food to the needy through "Amma Unavagam" during the present pandemic situation and on production of the acknowledgement of such payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-IV, Coimbatore on condition that the petitioners 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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.

[b] the petitioners 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.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

-sd/-  
05/05/2021

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-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 COMMISSIONER OF CORPORATION,  
AMMA UNAVAGAM  
POLLACHI, COIMBATORE.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of  
necessary charges SR.NO.5774

CRL OP.8561/2021

Date :05/05/2021

WEB COPY

TA-12/05/2021