

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2021

CORAM

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.8568 of 2021

Murugesan

... Petitioner

Vs.

The state represented by
Inspector of Police,
Civil Supply CID,
Pollachi, Coimbatore District.
(Crime No.77 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
by the respondent police in Crime No.77 of 2021, on the file of the
respondent police.

For Petitioner : Mr.W. Camyles Gandhi

For Respondent : Mr.T. Shunmugarajeswaran
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged 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.77 of 2021, on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution is that the petitioner was found
in possession of 12,500/-Kgs of PDS rice . Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit
that the petitioner is an innocent person and he has been falsely
implicated in this case. On instruction, he would further submit that
the petitioner is prepared to deposit some considerable amount to
any charitable organization or association without prejudice to his
contention and prayed for grant of anticipatory bail.

4. The learned Government Advocate(Crl side) appearing for the respondent submitted that the petitioner was found in possession of 12,500 Kgs of PDS rice. He further submitted that there is no previous case pending against the petitioner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is of the opinion that the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) as non refundable deposit to "The Commissioner, Coimbatore City Municipal Corporation (for the purpose of Amma Unavagam) without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

7. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) The petitioner is directed to deposit a sum of Rs.1,00,000/- as non-refundable deposit either through RTGS/NEFT/DD or in cash in favour of "The Commissioner, Coimbatore City Municipal Corporation (for the purpose of Amma Unavagam) within fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of deposit of the above amount before the Judicial Magistrate -IV, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for the like sum to the satisfaction of the police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give an letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 daily at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

12/05/2021

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 INSPECTOR OF POLICE,
CIVIL SUPPLY CID, POLLACHI,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE COMMISSIONER, COIMBATORE
CITY MUNICIPAL CORPORATION
(FOR THE PURPOSE OF AMMA UNAVAGAM)

CC to M/S.W.CAMYLES GANDHI
charges Sr.6122

Advocate on payment of necessary

CRL OP.8568/2021

Date :12/05/2021

RVR 15/06/2021