

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2021

CORAM

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.9015 of 2021

1. Valluvan  
2. Manjunath  
3. Subramani

... Petitioners

Vs.

State by  
The Inspector of Police,  
CSCID Police Station,  
Krishnagiri District.  
(Crime No.40 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.40 of 2021, pending investigation on the file of the respondent police.

For Petitioners : Mr.Jayachandran

For Respondent : Mr.T. Shunmugarajeswaran  
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend 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.40 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were found in possession of 24,750 Kgs of PDS rice . Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. On instructions, he would further submit that the petitioners are prepared to deposit some considerable amount to any charitable organization or association without prejudice to their contentions and prayed for grant of anticipatory bail.

4. The learned Government Advocate(Crl side) appearing for the respondent submitted that the petitioners were found in possession of 24,750 Kgs of PDS rice. He further submitted that there are no previous case pending against the petitioners. Hence, he opposed for grant of anticipatory bail to the petitioners.

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

6. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their 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 petitioners with certain conditions.

(a) The petitioners are directed to deposit a sum of Rs.1,00,000/- jointly 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 petitioners are directed to be released on bail in the event of their arrest or on their appearance and on production of proof of deposit of the above amount before the Judicial Magistrate -I, Krishnagiri, on condition that the each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Ten thousand only) each 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 petitioners 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

[e] the petitioners 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,  
NO.I, KISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
C.S.C.I.D POLICE STATION,  
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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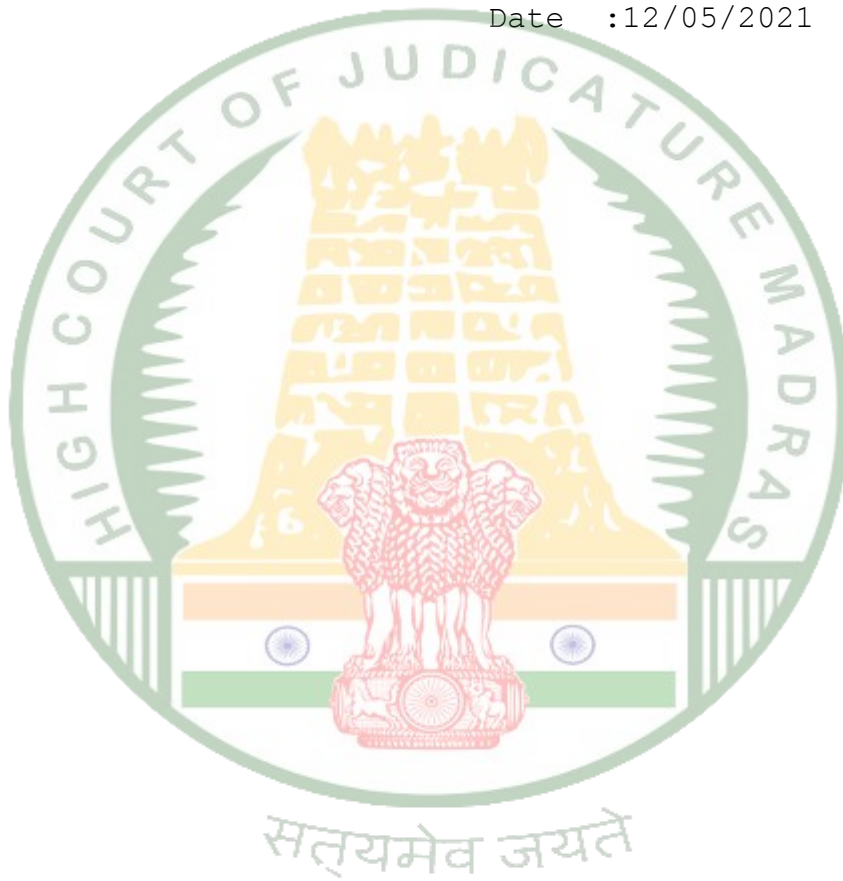
5 THE COMMISSIONER, COIMBATORE  
CITY MUNICIPAL CORPORATION  
(FOR THE PURPOSE OF AMMA UNAVAGAM)

CC to M/S.JAYACHANDRAN Advocate on payment of necessary charges  
Sr.6095

CRL OP.9015/2021

Date :12/05/2021

RVR 01/06/2021



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