

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Crl.O.P.No.9359 of 2021

1. Rafiq @ Mohammed Rafiq
2. Mohammed Rafiq
3. Pakki Bullah

.. Petitioners

Versus

State rep. by its
Inspector of Police
Civil Supply CID
Pollachi
Coimbatore District
(Crime No.106 of 2021)

.. Respondent

Prayer:-Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in Crime No.106 of 2021 on the file of the respondent police.

For Petitioners : Mr.W. Camyles Gandhi

For Respondent : Mr.E.Rajthilak
Counsel for Government (Crl side)

ORDER

The petitioners, who were arrested and remanded to Judicial Custody on 29.04.2021 for the offence punishable under Sections 6 (4) of TNSC(RDCS) Order 1982 r/w 7(i) (a) (ii) of E.C. Act 1955, in Crime No.106 of 2021, on the file of the Civil Supply CID, Pollachi, have filed the present bail petition.

2. The case of the prosecution is that the petitioners were found transporting PDS rice of 4000 Kgs (40 Kg x 100 bags) in a van bearing Registration No. TN 39 H 5576 - 407 on 29.04.2021.

3. Mr. W. Camyles Gandhi, the learned counsel appearing for the petitioners contended that the petitioners are driver, cleaner and loadman of the vehicle and that the owner of the vehicle and the owner of the rice mill, who were together arrayed as A4, A5 an A8 have all been enlarged on Anticibatory Bail by this Court in Crl.O.P. No.8561 of 2021.

4. Per contra, the learned counsel appearing for the Government (Crl.Side), on instructions, would contend that the investigation is not yet completed and therefore, prayed for dismissal of the petition.

5. Considering the period of incarceration of the present petitioners and also considering the present pandemic situation, this Court is inclined to grant bail to the petitioners and accordingly the petitioners are ordered to be released on bail subject to the following conditions:-

(a) each petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Prison, Coimbatore, in which the petitioners are confined and thereafter on their release;

(b) each petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for like sum to the satisfaction of the learned Judicial Magistrate-IV, Coimbatore, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;:

(C) 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.

(d) the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.

(e) the petitioners shall not abscond either during investigation or trial.

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(g) On breach of any of the aforesaid conditions, the learned Judicial Magistrate-IV, Coimbatore, is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judicial Magistrate-IV, Coimbatore, himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
19/05/2021

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.IV,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges

CRL OP.9359/2021

Date :19/05/2021

MK:20/05/2021

WEB COPY