

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10604 of 2021

Durai @ Annadurai

..Petitioner

-Vs-

The State Rep. by
The Inspector of Police,
C.S.C.I.D Police Station,
Krishnagiri District.
Crime No.58 of 2021

..Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest in crime no.58 of 2021 on the file of the respondent police.

For Petitioner : Mr.M. Jayachandran

For Respondent : Mr.A.Gopinath
Government Advocate
(Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.58 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. Totally there are 5 accused in this case and the petitioner herein arrayed as A5. The case of the prosecution is that the petitioner along with other accused was illegally transporting 12,000 kgs of PDS rice. Hence, the case was registered against the petitioner on the complaint made by the defacto complainant.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He also submits that only based on the confession statement given by A1 to A4 the petitioner has been falsely implicated in this case. On instructions he would further submits that without prejudice to their defence and contentions, the petitioner is ready to deposit a sum of Rs.25,000/- to the credit of the Commissioner, Corporation, Chennai for improvement of Corporation Schools. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) opposed the grant of anticipatory bail by stating that the petitioner along with accused have been illegally transporting 1,100 kgs of PDS rice.

5. Taking into consideration the submissions advanced on behalf of the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to pay cost to any charitable institution as imposed by this Court, 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 -I, Krishnagiri on condition that the petitioner shall execute 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 further condition that:

(a) the petitioner shall to deposit a sum of Rs.25,000/- (Rupees twenty five thousand Only) as non-refundable deposit either through RTGS/NEFT or in cash/demand draft to the credit of the Commissioner, Corporation, Chennai for improvement of Corporation Schools and produce proof of such payment of the above amount to the learned Judicial Magistrate -I, Krishnagiri, at the time of executing the bond.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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., for a period of two weeks and thereafter as and when required.

(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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

18/06/2021

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.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE COMMISSIONER
CORPORATION, CHENNAI FOR IMPROVEMENT
OF CORPORATION SCHOOLS.

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

CRL OP.10604/2021

Date :18/06/2021

cs 13/07/2021