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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11977 of 2021

R.Priya

... Petitioner

Vs.

The State Represented by :-

Inspector of Police,

CSCID,

Pollachi,

Coimbatore District.

(Crime No.200 of of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.200 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.J.Pothiraj

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 6(2) of TNSC (RDSCS) Order 1982, Section 6(3) of TNSC Order 1982, under Section 14 TNSC (RDSCS) Order, 1982 read with section 7 (i)a(ii) Essential Commodities Act 1955 in Cr.No.200 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has kept 164 bags of rice in her house in front of the PDS Shop.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. On instructions, she further submitted that the petitioner, on his own volition, is prepared to deposit a sum of Rs.9,000/- (Rupees Nine thousand only) to the concerned Society, without prejudice to her contention and prayed for grant of anticipatory bail.



4. The learned Government Advocate appearing for the respondent submitted that immediately after criminal case registered by the respondent police, the petitioner was placed under suspension on 24.11.2020. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by either side, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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-V, Coimbatore District, 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 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;

(b) the petitioner is directed to deposit a sum of Rs.9,000/- (Rupees Nine thousand only) as non-refundable deposit either through RTGS/NEFT or in cash or demand draft in favour of Veerakeralam Town Cooperative Thrift Society, Veera Keralam, Coimbatore, without prejudice to her defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/receipt, shall accept the sureties furnished by the petitioner;

(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 for interrogation;

(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.

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-sd/-
13/07/2021

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.V,
COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
CSCID, POLLACHI,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE VEERAKERALAM TOWN COOPERATIVE THRIFT SOCIETY,
VEERA KERALAM, COIMBATORE.

+1CC to M/S.J.POTHIRAJ Advocate on payment of necessary
charges SR NO.7394

CRL OP.11977/2021

Date :13/07/2021

MK:26/07/2021