



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.12064 of 2021

1. Malarmannan ... Petitioners
2. Thoufic @ Mugamathu Thoufic

Vs.

The State Represented by :- ... Respondent
Inspector of Police,
Civil Supply CID,
Pollachi,
Coimbatore District.
(Crime No.93 of 2021)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.93 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.W.Camyles Gandhi
For Respondent : Mr.C.E.Pratap
Government Advocate (CrI. Side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Section 6 (4) of TNSC (RDCS) Order 1982 read with 7(i)a(ii) of EC Act 1955 in Cr.No.93 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were illegally transported 1200 kgs. of PDS rice without permission and the same was seized by the respondent Police.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and further that they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, the petitioners, on their own volition, are ready and willing to contribute a sum of Rs.50,000/- for the purpose of improving and maintaining the Government Schools. Hence, he prays for anticipatory bail.



4. The learned Government Advocate (Crl.Side) submitted that there is no previous case pending against A1 and there are two previous cases pending against A2.

5. Considering the fact that the injured has been discharged from the hospital and that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate-IV, Coimbatore District**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each**, 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 make a non-refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Chief Educational Officer, Coimbatore District for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgement**, without prejudice to his defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioners;

(b) the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-IV, Coimbatore;.

(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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;



(g) 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;

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

7. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Government Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-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.IV, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE CHIEF EDUCATIONAL OFFICER,
COIMBATORE DISTRICT.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.7317

CRL OP.12064/2021

Date :13/07/2021

TA-05/08/2021

<https://hcservices.ecourts.gov.in/hcservices/>