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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12573 of 2021

Aslam Bhasha

... Petitioner

Vs.

State by
The Inspector of Police,
CSCID Police Station,
Krishnagiri,
Krishnagiri District.
(Crime No.73 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of his arrest in Crime No.73 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 6 (4) of TNSC(RDCS) Order, 1982 r/w Section 7(i)(a)(ii) of Essential Commodities Act, 1955 in Crime No.73 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was illegally transporting 1000 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 submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions he further submits that without prejudice to his defence and contentions, the petitioner, on his own volition is willing to contribute a sum of Rs.10,000/- for any welfare activities as may be ordered by this Court.



4. The learned Government Advocate (Crl.Side) opposed the grant of anticipatory bail by stating that the petitioner was illegally transporting 1000 kgs of PDS rice.

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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 contribute a sum of Rs.10,000/- for charitable purpose, 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 No.1, 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 make a non-refundable deposit of Rs.10,000/- to the credit of " The Chief Educational Officer, Krishnagiri District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to his defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner

(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.

6. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the 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/-

22/07/2021

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.I, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE CHIEF EDUCATIONAL OFFICER,
KRISHNAGIRI DISTRICT.

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

CRL OP.12573/2021

Date :22/07/2021

RW 28/07/2021