



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14468 of 2021

ABDULKALAM

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
POLLACHI CSCID POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.175 OF 2021.

For Petitioner : M/S. M.VINOTH Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 6 (4) of TNSC (RDCS) Order 1982 read with 7(1)(a)(ii) of EC Act 1955 in Cr.No.175 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on secret information, the respondent police made search and found that the petitioner was found in illegal possession of 1050 Kgs. of PDS rice and the same was seized by the respondent Police.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and further submitted that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- in favour of Tamil Nadu Advocates Clerk Association, Madras High Court. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused were found in illegal possession of 1050 kgs. of PDS rice. 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.

(a) 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-IV, Coimbatore, 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:

(b) the petitioner shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), 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;

(c) 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;

(d) 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;

(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.



6. In the result, this Criminal Original Petition is ordered.

-sd/-

17/08/2021

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 INSPECTOR OF POLICE,
POLLACHI CSCID POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE PRESIDENT, TAMIL NADU
ADVOCATES CLERK ASSOCIATION, MADRAS HIGH
COURT, CHENNAI (INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157)

CC to M/S. M.VINOTH Advocate on payment of necessary charges
Sr.8667

CRL OP.14468/2021

Date :17/08/2021

RVR 01/09/2021