

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.19608 of 2020

Adhil Mustafa

.. Petitioner

Vs

The State rep. by
The Inspector of Police
Anaimalai Police Station
Coimbatore.Crime No.601 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.601 of 2020, on the file of the Respondent police.

For Petitioner : Mr.A.B.Fathima Sulathana

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 3(2)(d) r/w 7(1)(a) (11) of EC Act, in Crime No.601 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The petitioner is the sole accused. The allegation is that the petitioner without any valid license was in possession of 927 bags of subsidies urea purchased from the farmers at lower rate and thereafter selling it for higher rate. Hence, the case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is having license and he is only selling urea and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner without any valid license was in possession of 927 bags of subsidies urea purchased from the agriculturists at lower rate and selling it for higher rate. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also of the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate, Anamalai, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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.

[b] the petitioner shall deposit a sum of Rs.50,000/- (Rupees fifty thousand only) to the credit of Crime No.601 of 2020 on the file of the respondent police before the concerned Magistrate.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of four 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

+sd/-

21/01/2021

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,
ANAIMALAI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

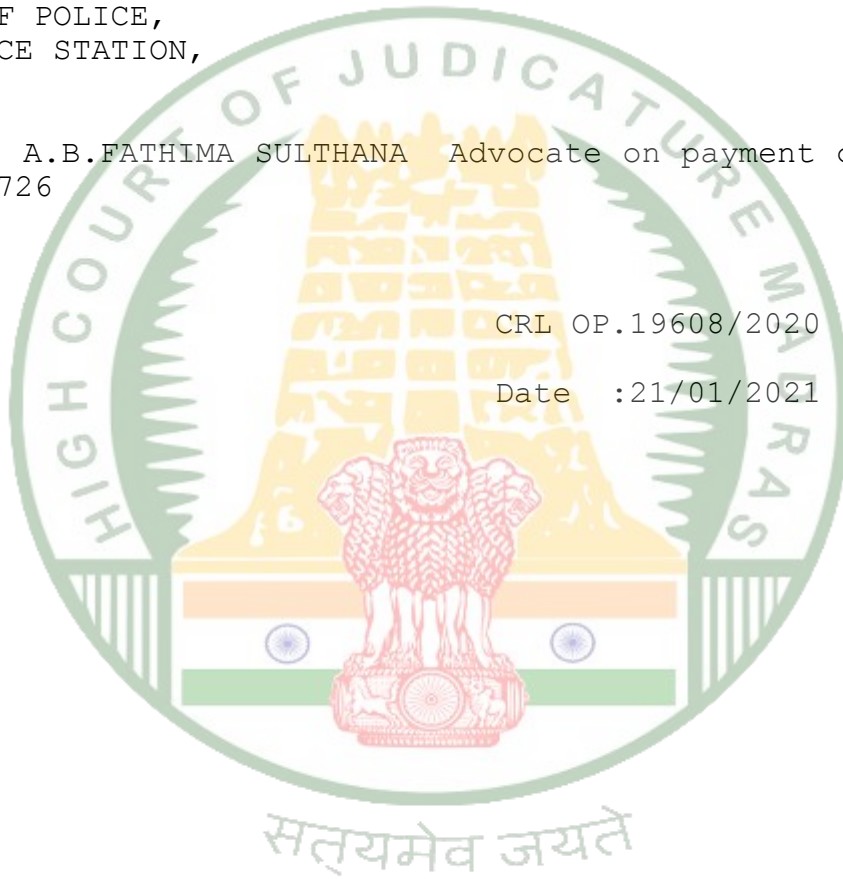
4 INSPECTOR OF POLICE,
ANAIMALAI POLICE STATION,
COIMBATORE.

CC to M/S A.B.FATHIMA SULTHANA Advocate on payment of necessary
charges SR.NO.726

CRL OP.19608/2020

Date :21/01/2021

RVR 27/01/2021



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