



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirtieth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18209 of 2021

1 ALLAF @ ALAVUTHEEN
2 SIDHIQ @ ABDUL SIDHIQ

[PETITIONERS / ACCUSED]

Vs

THE STATE REPBY
THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
POLLACHI,
COIMBATORE DISTRICT
CRIME NO.250/2021

[RESPONDENT]

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

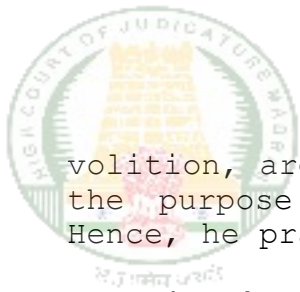
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 6(4) of TNSC (RDCS) Order 1982 r/w.7(i)(a)(ii) of EC Act 1955 in Cr.No.250 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 23.09.2021, the petitioners along with other accused persons were found in illegal possession of 2,100 Kgs of PDS (Public Distribution System) rice. Based on which the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. However, on instructions, on their own



volition, are ready and willing to contribute a sum of Rs.10,000/- for the purpose of improving and maintaining the Government Schools. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioners along with other accused were found in possession of 2,100 Kgs of PDS rice. Hence, he opposed for grant of anticipatory bail to the petitioners.

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 petitioners.

6. Accordingly, the petitioner 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 No.IV, Coimbatore, on condition that the petitioners shall execute separate 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 petitioners 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 petitioners shall make a non-refundable deposit of Rs.10,000/- (Rupees Ten 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 their 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been



imposed and the petitioners 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.

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 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/-

30/09/2021

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 DISTRICT. [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.10801

CRL OP.18209/2021

Date :30/09/2021

RW 11/10/2021