

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20334 of 2020

Nataraj

... Petitioner

Vs.

The State Rep. by its
The Inspector of Police,
Pollachi Bazaar Police Station,
Coimbatore District.
(Crime No.1216 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioner on bail in the event of his arrest in Crime No.1216 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.M.N.Balakrishnan

For Respondent : Mr.S. Karthikeyan
Addl.P.P

O R D E R

(The case has been heard through video conference)

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 7(1)(a) (ii) of Essential Commodities Act 1955 in Crime No.1216 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of the godown, in which, 160 bags of IFFCO urea has been stored without proper licence. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the land, and 160 bags of urea has been stored without proper licence by A1 to A3 and now, they were released on bail. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 to A3 already released on bail.

5. Considering the facts and circumstances of the case, and the fact that the petitioner is only the owner of the godown and also the fact that co-accused in this case has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

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 Judge, Judicial Magistrate No.IV, Coimbatore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] the petitioner shall appear before the respondent police 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/01/2021

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 NO.IV,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLLACHI BAZAAR POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M.N.BALAKRISHNAN Advocate on payment of necessary charges SR NO.81

CRL OP.20334/2020

Date :05/01/2021

MK:19/01/2021

WEB COPY