

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20551 of 2020

Saraswathi

... Petitioner/Accused

-Vs-

The State rep. by

Inspector of Police,

CSCID Police Station

Vellore District.

(Crime No.178 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in event of her arrest by the respondent police in Crime No.178 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Sathishkumar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

O R D E R

(This Case has been heard through video conferencing)

The petitioner who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order 1982, r/w 7(i) (a)(ii) of Essential Commodities Act, 1955 in Crime No.178 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner was illegally transporting 4,100 Kgs of PDS rice without proper license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner. However on instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any

4. The learned Additional Public Prosecutor submitted that the petitioner along with two other accused were illegally transporting 4,100 Kgs of PDS rice without obtaining proper license. He would further submit that there are no previous cases as against the petitioner. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail and that the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the 'Sri Guruji Anbu Illam for Girls, Nagapattinam, A/C.No.6201000028089, IFSC Code. No.IOBA0000062 without prejudice to his rights and contentions before the trial Court.

6. Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

[a] The petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) as non refundable deposit to the 'Sri Guruji Anbu Illam for Girls, Nagapattinam, A/C.No.6201000028089, IFSC Code. No.IOBA0000062' within a period of fifteen (15) days from the date of receipt of a copy of this order. Thereafter, the petitioner is directed to be released on bail in the event of his arrest or on his appearance and on production of proof of deposit of the above amount and on further 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 police officer who intends to arrest, failing which the petition for anticipatory bail shall stand dismissed automatically and on further condition that the petitioner shall also give a letter of undertaking before the respondent/police that the said amount has been paid in respect of particular crime number.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police 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 every day 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 is 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.

7. 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,
VELLORE, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
VELLORE DISTRICT.

5 THE SRI GURUJI ANBU ILLAM FOR GIRLS,
NAGAPATTINAM, A/C.NO.6201000028089,
IFSC CODE. NO.IOBA0000062

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

CRL OP.20551/2020

Date :05/01/2021