



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22816 of 2021

Abi @ Habeeb Rahiman

.. Petitioner

Vs.

State rep by
The Inspector of Police,
CSCID, Pollachi,
Coimbatore District.
(Crime No.288 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.288 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Vinoth

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 6 (4) of the Tamil Nadu Schedules Commodities (RDCS) Order, 1982 r/w 7 (1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.288 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the respondent police were carrying out their daily patrol relating to Essential Commodities Smuggling and hoarding, they found the petitioner along with other accused was involved in illegal transportation of 500 kgs of PDS rice. Hence, the respondent police registered the case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. However, on instructions, he



submits that the petitioner is ready and willing to pay a sum of Rs.50,000/- to any Charitable Institute as may be directed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail by stating that the petitioner along with other accused was involved in illegal transportation of 500 kgs of PDS rice. He further submits that there are five previous cases pending as against the petitioner.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.50,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court-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 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall make a non-refundable deposit of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Kaakkum Karangal Old Age Home, 89/47, Santhome High Road, Santhome, Chennai-600 028, A/c No.000101219273, ICICI Bank, Santhome Branch, IFSC Code:ICIC0003432, MICR Code:600229120, Swift Code: ICICINBBXXX, Mobile No.9840068800, without prejudice to his defence before the trial Court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner;

[b] the petitioner and 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 is directed to report before the respondent police on every Tuesday and Saturday at 10.30 a.m., for a period of four weeks and thereafter as and 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/-

30/11/2021

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 INSPECTOR OF POLICE,
CSCID, POLLACHI, COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 Kaakkum Karangal Old Age Home, 89/47,
Santhome High Road, Santhome, Chennai-600 028,
A/c No.000101219273, ICICI Bank,
Santhome Branch, IFSC Code:ICIC0003432,
MICR Code:600229120, Swift Code: ICICINBBXXX,
Mobile No.9840068800

+1 CC to M.VINOTH Advocate on payment of necessary charges
SR.NO.13769

CRL OP.22816/2021

Date :30/11/2021

RW 06/12/2021