



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.23218 of 2021

1. ANANTH KUMAR
2. RAJAGOPAL
3. KARTHI
4. MUTHU KRISHNAN

... Petitioners

Vs.

State rep. By its
The Inspector of Police
Civil Supply CID
Pollachi
Coimbatore District
(Crime No.293 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.293 of 2021 on the file of the respondent police.

For petitioner : Mr.W.Camyles Gandhi

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 16.11.2021 for the offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(i) (a) (ii) of E.C. Act 1955, in Crime No.293 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 15.11.2021 the petitioners were found in possession of 1720 Kgs of PDS rice (22 bags x 50 Kgs each) worth about Rs.15,000/- without any valid permit from the Government. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and that they have been suffering incarceration for more than 15 days from 16.11.2021. He would further submit that the petitioners are



ready and willing to pay a sum of Rs.15,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the the petitioners were found in possession of 1720 Kgs of PDS rice (22 bags x 50 Kgs each) worth about Rs.15,000/- but admits that the investigation is almost completed.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand Only), to the credit of any Registered Old Age Home at Coimbatore, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the said Home for the welfare of the aged persons.

6. It is made clear that the deposit of the amount by the petitioners to the Old Age Home would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-IV, Coimbatore, and on further conditions that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) through demand draft to any Registered Old Age Home at Coimbatore, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(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 petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders;

(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 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

03/12/2021

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-IV,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
CIVIL SUPPLY CID,
POLLACHI, COIMBATORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.14048

CRL OP.23218/2021

Date :03/12/2021