



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Crl.O.P.No.24721 of 2021

J.Ajithkumar

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Civil Supply CID,
Coimbatore.
(Crime No.241 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.241 of 2021, on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

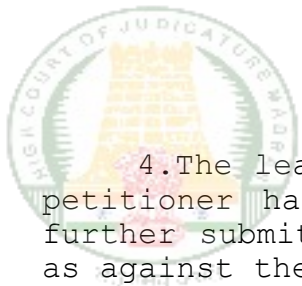
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 25.11.2021 for the offences under Sections 6(4) Tamil Nadu Schedule Commodities (Regulation of Distribution through card system) order 1982 r/w Section 7(1)(a) (ii) of the Essential Commodities Act, 1955, in Crime No.241 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found illegal possession of 3000 kgs of PDS rice by using Ashok Leyland Dost, bearing registration No. TN-12-X-1827 . Hence, the complaint.

3. The learned counsel for the petitioner submits that petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been suffering incarceration for more than 20 days from 25.11.202. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to the Registered Advocate Clerk Association, Coimbatore. Hence, he prays for grant of bail.



4.The learned Government Advocate raised objection stating that petitioner had illegally transported 3000kgs of PDS rice and he further submits that charge sheet also filed and one previous cases as against the petitioner.

5.In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of the Advocate Clerk Association, Coimbatore, without prejudice to his rights.

6.It is made clear that the deposit of the amount by the petitioner to the said Association 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 period of incarceration undergone by the petitioner and also the fact that investigation is completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is 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 condition that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Advocate clerk Association, Coimbatore, within a period of two weeks from the date of receipt of copy of this order and shall produce the said receipt before the Court below

(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 every Wednesday at 10.30 a.m. until further orders;

(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]; and;

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

-sd/-
17/12/2021

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 NO.IV,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
COIMBATORE,
COIMBATORE DISTRICT.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
COIMBATORE.



+1CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.14990

Advocate on payment of necessary

WEB COPY

CRL OP.24721/2021

Date :17/12/2021

MK:17/12/2021