



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

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

Crl.O.P.No.1805 of 2022

Radhakrishnan

...Petitioner/A2

Vs.

State rep. by
The Inspector of Police,
Pollachi Taluk Police Station,
Coimbatore.
(Crime No. 705 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, pending investigation in Crime No. 705 of 2021 dated 20.12.2021 pending investigation on the file of the Respondent police.

For Petitioner : M/s.A.Anandharaman

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 05.01.2022 for the offences under Section 7(1)(a)(ii) of Essential Commodities Act, 1995, in Crime No. 705 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused involved in manufacturing of duplicate Potassium fertilizer. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence. The petitioner is the owner of the premises and he had rented out his premises to A1 without knowing the fact that he is running a duplicate fertilizer unit and that the petitioner has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 20 days from 05.01.2022 and would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that the main accused/A1 is absconding. Admittedly the petitioner is the own who gave his



property to A1 for rent and in the said premises A1 manufactured duplicate fertilizers and that the Investigating Agency seized the duplicate fertilizers from the premises of the petitioner.

5. Since the petitioner is the owner of the premises, this Court is of the opinion that he would not abscond and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate Court No.II, Pollachi, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) 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/-

28/01/2022

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.II, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
POLLACHI TALUK POLICE STATION,
COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

CC to A.ANANDHARAMAN Advocate on payment of necessary charges
Sr.1394

CRL OP.1805/2022

Date :28/01/2022

RVR 31/01/2022