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Crl O.P.No.3012 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3012 of 2025

Ziaulhaq @ Jiyaulluq

.. Petitioner

Vs.

The State rep by
The Inspector of Police,
CSCID Police Station,
Pollachi, Coimbatore District
(Crime No.391/2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest in Crime No.391 of 2024 on the file of the respondent Police.

For Petitioners : Mr.R.Parthiban

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955 , in Crime No.391 of 2024, seek anticipatory bail.



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2.The case of the prosecution is that on 10.12.2024, while the respondent police were on regular patrol, found that the petitioner along with other accused were illegally transporting 40 Bags x 50 kgs (total weighing 2000 KGS) of PDS Rice worth about Rs.11,300/- in a vehicle and selling to the general public for higher price. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case; based on the confession of the other accused, petitioner was arrayed as an accused and that in any case custodial interrogation of the petitioner is not required for the purpose of investigation. Therefore, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl. Side) reiterated the prosecution of the case and on instructions submitted that the material was seized and A3 was arrested and released on bail; and that based on the confession of other accused, petitioner was arrayed as accused. Hence, he opposed to grant anticipatory bail.



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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner is prepared to donate/pay some considerable amount to any charitable organization or association without prejudice to their defence and prayed for grant of anticipatory bail.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

7. Considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** as non refundable deposit, to the credit of , **Tamil Nadu Advocate's Clerk Association, Bank Name: Indian Bank, Branch: Indian Bank High Court, IFSC Code: IDIB000M157, Account Name: Tamil Nadu Advocate's Clerk Association, Account No.484026006,** without prejudice to the right of the defence before the Trial Court and making it clear that it would not amount to admission of guilt.



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8.Considering the nature allegations and the fact that the material has been seized by the respondents and custodial interrogation of the petitioner is not required for investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.Accordingly, petitioner is directed to make a non-refundable deposit of Rs.10,000/- directly to the credit of “Tamil Nadu Advocate's Clerk's Association”, without prejudice to the right of the defence before the Trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the ***Judicial Magistrate NO.IV, Coimbatore***, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 conditions that:

[a] 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



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their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

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Index : Yes / No

Internet : Yes / No

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To

1. The Judicial Magistrate NO.IV, Coimbatore

2. The Inspector of Police,
CSCID Police Station,
Pollachi, Coimbatore District

3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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