

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19192 of 2018

ASHOK KUMAR, [PETITIONER / ACCUSED]

Vs

STATE REP. BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
POLLACHI CSCID POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.199 OF 2018

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : MR. R.SURYA PRAKASH, Govt. Advocate

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrayed as A2, was arrested on 12.07.2018 for the offences under Section 6(4) of TNSC (RDCS) Order 1982, 7(1)(a)(ii) of EC Act in Crime No.199 of 2018 on the file of the respondent police and seeks bail.

2.It is the case of the prosecution that on 12.07.2018 the respondent police seized 16 bags of PDS rice (containing 800 kgs) from the petitioner's vehicle bearing Reg.No.TN 37 B 5648 Tata Indica Car. Immediately after seizing the vehicle, the petitioner was arrested and remanded to the judicial custody.

3.The learned counsel appearing for the petitioner would submit the petitioner did not commit any offence as alleged by the prosecution. Further he would submit that the petitioner is the driver of the vehicle and he has been in the judicial custody from 12.07.2018.

4.The learned Government Advocate (crl.side) would submit that the petitioner transported 16 bags of PDS rice and the entire case property has been seized from the petitioner. He would further submit that the investigation is pending.

5.Considering the nature of allegations, I am inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Coimbatore and on further condition that:

(a)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;

(b)the petitioner shall deposit a sum of Rs.5,000/-(Rupees five thousand only) to the credit of Crime No.199 of 2018 on the file of the respondent police within a period of two weeks from today;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when 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]**; and;

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

-sd/-

07/08/2018

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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 INSPECTOR OF POLICE,
POLLACHI CSCID POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

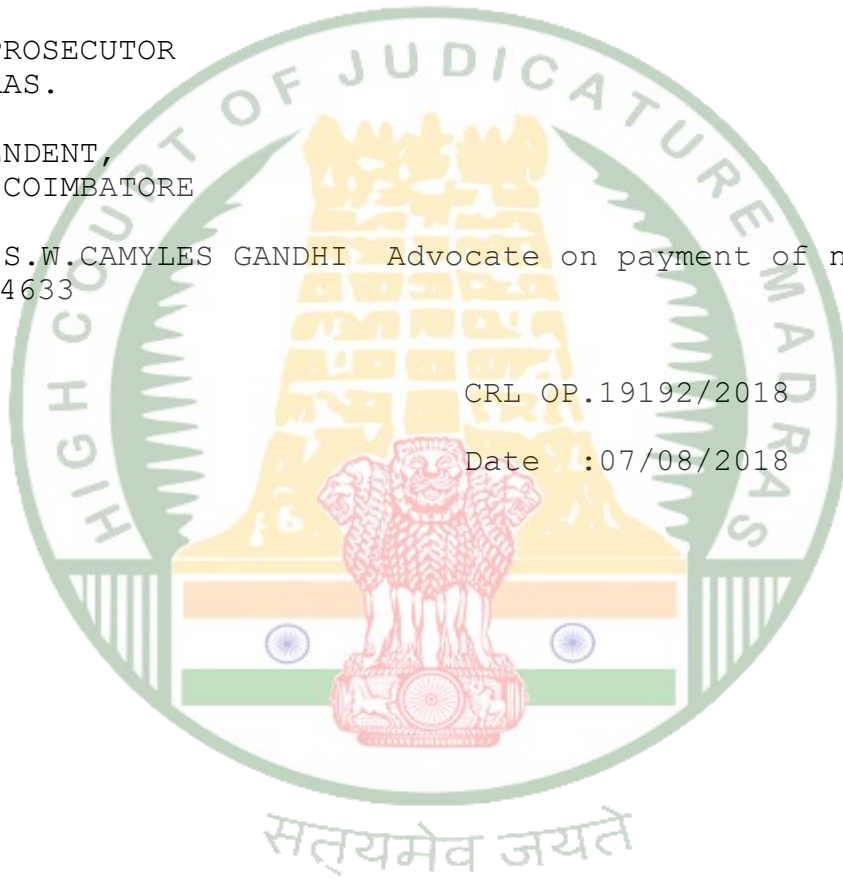
5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO. 14633

CRL OP.19192/2018

Date :07/08/2018

TA-09/08/2018



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