

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.06.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.9548 of 2020

1.Manivannan
2.Sheik Ameer Ahammed
3.Fairose Ali
4.Parakathulla

... Petitioners

/versus/

State by:

The Inspector of Police,
CSCID Police Station, Krishnagiri,
Krishnagiri District.
(Crime No.40 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleased to grant bail to the petitioners / Accused Nos.1 to 4 pending investigation in Crime No.40 of 2020 on the file of Respondent Police.

For petitioners : Mr.M.Jayachandran

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 08.06.2020 for the offences punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(i)a(ii) of E.C. Act 1955, in Crime No.40 of 2020, seek bail.

2.The case of the prosecution is that the petitioners were found in possession of 2500 kgs of PDS rice illegally. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they are no way connected with the alleged offence. On instruction, he would further submit that without prejudice to their defence, the petitioners are prepared to deposit some considerable amount to any charitable organization, and that the petitioners have been suffering incarceration from 08.06.2020. Hence, he prays to grant bail to the

4.The learned Government Advocate submitted that the petitioners were found in possession of 2500 kgs of PDS rice illegally. Hence, he vehemently opposed to grant bail to the petitioners.

5.In order to curb the illegal transporting of PDS Rice, this Court is of the opinion that the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) each to the 'Cancer Institute(WIA), (Regional Cancer Centre), Adyar, Chennai' and also taking note of the fact the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following condition:

(a) Accordingly, the petitioners shall deposit a sum of Rs.5,000/-(Rupees Five thousand only) each to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai - 600 020, bearing A/c No.149710011005477, Andhra Bank, Madhya Kailash Branch, and on such deposit and on production of proof, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.1, Krishnagiri within 15 days from the date of lifting of the lockdown and the 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 petitioners shall report before the respondent police as and when required for interrogation.

(e) it is made clear, merely because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently;

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

(j) 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/-

26/06/2020

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 LEARNED DISTRICT SESSIONS
JUDGE, KRISHNAGIRI

2 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI

3 THE JAILER
SUB JAIL, HOSUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
KRISHNAGIRI, KRISHNAGIRI DISTRICT

6 THE CANCER INSTITUTE[WIA]
REGIONAL CANCER CENTRE
ADYAR, CHENNAI-600 020.
BEARING A/C.NO.149710011005477,
ANDHARA BAN, MADHYA KAILASH BRANCH

CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary charges

CRL OP.9548/2020

Date :26/06/2020

rd 21/07/2020