

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 10404 of 2020

Faheem

... Petitioner/Single Accused

**(*) S/o. Saleem Ahammed,
Chkkarimedu,
Kurubarapalli,
Krishnagiri District.**

Vs.

The State represented by,
The Inspector of Police,
CSCID Police Station, Krishnagiri,
Krishnagiri District.
(Crime No.44 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to grant bail to the petitioner pending investigation in Crime No.44 of 2020 on the file of the respondent police

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.T.Shunmugarajeswaran
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 15.06.2020 for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(i) a(ii) of E.C.Act 1955, in Crime No. 44 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 1050 Kgs of PDS (Public Distribution System) rice. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this. He submitted that the petitioner is an auto driver and without his knowledge, rice was loaded into the vehicle. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the petitioner was found in illegal possession of 1050 Kgs of PDS rice, which worth about Rs.29,505/-. Hence, he oppose to grant bail to the petitioner

5. Considering the above facts and circumstances of the case and considering the period of incarceration by the petitioner from 15.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only), to the credit of Government of Tamil Nadu, Chief Minister's Public Relief Fund. Indian Overseas Bank, Secretariat Branch, Chennai, SB.A/c No.11720 10000 00070. IFS Code IOBA0001172, and on such deposit and on production of proof, 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 No.I, Krishnagiri, within 15 days from the date of lifting of the lockdown and commencement of the Court's normal functioning whichever is earlier, 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 as and when required for interrogation.

(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/-
10/07/2020

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.

(*) Petitioner's father and address name are amended as per order of this Court dated 31.07.2020 made in Crl.MP.No.4612/2020 in Crl.OP.No.10404/2020

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI.

2 THE SUPERINTENDENT,
CENTRAL JAIL, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER'S PUBLIC RELIEF FUND,
INDIAN OVERSEAS BANK,
SECRETARIAT BRANCH, CHENNAI,
SB.A/C NO.11720 10000 00070.
IFS CODE IOBA0001172

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

CRL OP.10404/2020

Date :10/07/2020