

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13815 of 2020

Vijay

... Petitioner

Vs.

State by

The Inspector of Police

CSCID Police Station, Krishnagiri,

Krishnagiri District.

(Crime No.65 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to grant bail to the petitioner pending investigation in Crime No.65 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (CrI. 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 14.08.2020, for the offence punishable under Sections 6(4) of TNSC (RDCS) order 1982 r/w 7(i) a (ii) of E.C Act 1955 in Crime No.65 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.08.2020, when the respondent police intercepted the vehicle bearing Reg.No.KA 02 Z6108, the petitioner was found transporting 5000 kgs. of PDS rice without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the driver of the lorry and believing the documents entrusted by the owner of the rice, he had transported the goods in the lorry. Other than that, he has no connection with the crime and that the petitioner is neither the owner of the rice nor the owner of the lorry. On instruction, he would further submit that the petitioner is prepared to deposit some considerable amount to any charitable organization or association without prejudice to his contention. He would submit that the petitioner has been suffering incarceration from 14.08.2020 and prayed for grant of bail to the

4.The learned Government Advocate (Crl. Side) would submit that the petitioner transported 5000 kgs. of PDS rice which is worth about Rs.1,40,500/-. Hence, he vehemently opposed for the grant of bail to the petitioner.

5.In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioner offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioner shall be directed to make a payment / donation for a sum of Rs.20,000/- (Rupees Twenty Thousand only) to The Commissioner, Krishnagiri Municipality (for the purpose of Amma Unavagam) and on such payment and production of proof, he shall be released on bail on his executing a 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;

(a) the petitioner shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(b) thereafter on his release, within a period of two weeks after lifting of lockdown or commencement of the Court's normal functioning whichever is earlier, shall surrender before the learned Judicial Magistrate-I, Krishnagiri, and furnish two sureties for a sum of Rs.10,000/- each failing which the bail granted by this Court shall stand dismissed automatically.

(c) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(d) 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;

(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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
07/09/2020

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 JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI.

2 THE OFFICER INCHARGE
SUB JAIL, KRISHNAGIRI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE COMMISSIONER
KRISHNAGIRI MUNICIPALITY
(FOR THE PURPOSE OF AMMA UNAVAGAM)

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

WEB COPY

CRL OP.13815/2020

Date :07/09/2020

cs 10/09/2020