

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14372 of 2020

1. Manikandan
2. Karthick

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
CSCID - Chennai,
Krishnagiri District.
(Crime No.66 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.66 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 15.08.2020, for the offence punishable under Sections 6(4) of TNSC (RDCS) order 1982 r/w 7(i) (a) (ii) of Essential Commodities Act 1955 in Crime No.66 of 2020, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 14.08.2020, when the respondent police intercepted the vehicle bearing Reg.No.TN 34 W 4199, the petitioners were found to be transporting 30 Tons of PDS rice valued at Rs.8,43,000/- without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are driver and cleaner of the lorry and they have not committed any offence as alleged by the prosecution. He would further submit that the alleged rice is not PDS rice and that it is not meant for public distribution and a false case has been foisted against the petitioners for

statistical purpose. However, on instruction, he would further submit that the petitioners are prepared to deposit some considerable amount to any charitable organization or association without prejudice to their contention. He would submit that the petitioners have been suffering incarceration from 15.08.2020 and prayed for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners transported 30 Tons of PDS rice which is worth about Rs.8,43,000/-. Hence, he vehemently opposed for the grant of bail to the petitioners.

5.In order to curb the illegal activities and taking into consideration the voluntary submission made by the petitioners offering to donate/pay considerable amount to any charitable organization or association this Court is of the opinion that the petitioners shall be directed to make **a payment / donation for a sum of Rs.30,000/- (Rupees Thirty Thousand only) each, to The Commissioner, Krishnagiri Municipality (for the purpose of Amma Unavagam) and** on such payment and production of proof, they shall be released on bail on their 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 petitioners have been confined and thereafter on their release;

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

(b) thereafter on their release, **within a period of two weeks from the date of commencement of the Court's normal functioning,** 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 petitioners deposit 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.

(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 petitioners shall not commit any offences of similar nature;

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

(g) the petitioners 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 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];

(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/-
15/09/2020

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 JAILER,
SUB JAIL, KRISHNAGIRI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID - CHENNAI,
KRISHNAGIRI DISTRICT.

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

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

CRL OP.14372/2020

Date :15/09/2020