

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.15071 of 2020

Murali

... Petitioner

Vs.

State rep. by

The Inspector of Police,
CSCID Krishnagiri Police Station,
Krishnagiri District
(Crime No.71 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.71 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.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 09.09.2020, for the offence punishable under Sections 6(4) of TNSC (RDCS) order 1982 r/w 7(1)(a) (ii) of Essential Commodities Act 1955, in Crime No.71 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was found to be illegally transporting 1600 kgs of PDS rice without any valid licence or permit. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. However, on instruction, he would further submit that taking into consideration of the Covid pandemic situation, the petitioner without prejudice to his defence, is prepared to make considerable donation to any Charitable Organization or Association.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner is the owner-cum-driver of the vehicle and he was found to be illegally transporting 1600 kgs of PDS rice without any valid licence or permit. Hence, he vehemently opposed for the grant of bail to the petitioner. She would further submit that the petitioner has no previous cases to his credit.

5. In order to curb the illegal activities and taking into consideration of 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.10,000/- (Rupees Ten Thousand only), to the Commissioner of Krishnagiri Municipality, Krishnagiri (for the purpose of preparing food in the Amma Unavagam)** and on such payment and production of proof, he shall 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;

(a) the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

(b) thereafter on his 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 No.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 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 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/-
25/09/2020

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, HOSUR
- 3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 4 THE INSPECTOR OF POLICE,
CSCID-KRISHNAGIRI POLICE STATION, KRISHNAGIRI DIST.
- 5 THE COMMISSIONER OF KRISHNAGIRI
MUNICIPALITY, KRISHNAGIRI (FOR THE PURPOSE OF
PREPARING FOOD IN THE AMMA UNAVAGAM)

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

CRL OP.15071/2020

Date :25/09/2020

GKS:29/09/2020