

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2020

CORAM :

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

CRL.O.P.No.17323 of 2020

Murugan

... Petitioner

Vs.

The State Rep.by
Inspector of Police,
CSCID (Chennai) Krishnagiri Police Station,
Krishnagiri.
(Crime No.129 of 2019) Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.129 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Sathyaraj

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.09.2020 for the offences punishable under **Section 6(4) of TNSC (RDCS) order 1982 R/w section 7(i) a (ii) of Essential Commodities Act, 1955**, in Crime No.129 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found illegally transporting 3100 kgs. of PDS rice.

3.The learned counsel appearing for the petitioner would submit that this is the second application for bail and the earlier application was dismissed by this Court in Crl.O.P.No.15585 of 2020 by order dated 05.10.2020 on the ground that the petitioner was having two previous cases. He would further submit that the petitioner has been suffering incarceration for more than 50 days from 15.09.2020. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner is the owner of the rice as well as the owner of the vehicle and he is a habitual offender involved in trading of PDS rice. He would further submit that the petitioner has got two previous cases against him and the investigation is pending.

5. At this juncture, the learned Counsel for the petitioner on instructions would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association and that he is prepared to abide by any stringent condition that is imposed on the petitioner by this Court.

6. 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.10,000/- (Rupees Ten Thousand only), to The Commissioner of Municipality, Krishnagiri (for the purpose of serving food in the Amma Unavagam) and** on such payment and production of proof, he shall be released on bail on further condition to execute a bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the **learned Judicial Magistrate-I, Krishnagiri,** and on further conditions that;

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

(b) 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.

(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 not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-
04/11/2020

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 CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID (CHENNAI) KRISHNAGIRI POLICE STATION,
KRISHNAGIRI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE COMMISSIONER OF MUNICIPALITY,
KRISHNAGIRI (FOR THE PURPOSE OF SERVING
FOOD IN THE AMMA UNAVAGAM)

+1 CC to M/S.E.SATHYARAJ Advocate on payment of necessary
charges SR.NO.7266

CRL OP.17323/2020

Date :04/11/2020

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