

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.11.2020

CORAM :

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

CRL.O.P.No.17586 of 2020

1.Ganesh
2.Ambarish
3.Raja

... Petitioners

vs.

State by:-

The Inspector of Police,
C.S.C.I.D Police Station,
Krishnagiri District.
(Crime No.83 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending investigation in Crime No.83 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

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

ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 11.10.2020 for the offences punishable under **Section 6(4) of TNSC (RDCS) order-1982 r/w 7(i) (a) (ii) of E.C. Act 1955**, in Crime No.83 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant, Sub Inspector of Police attached to the respondent police station is that based on a secret information, on 11.10.2020, when he along with his police party was conducting vehicle check up, the petitioners were found transporting 1150 kgs. of PDS Rice illegally without any valid permission.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. However, on instructions, he would further submit that taking into consideration of the Covid pandemic situation, the petitioners without prejudice to their defence, are prepared to make considerable donation to any Charitable

Organization or Association and the petitioners have been suffering incarceration from 11.10.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that the petitioners were found transporting 1150 kgs. of PDS Rice illegally without any permission. 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.7,500/- (Rupees Seven Thousand Five Hundred Only) each, to The Commissioner of Municipality, Krishnagiri (for the purpose of serving food in the Amma Unavagam) and** on such payment and production of proof, they shall be released on bail on further condition to execute a separate bond for a sum of Rs.10,000/- (Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the the **learned Judicial Magistrate-I, Krishnagiri,** and on further conditions that;

(a) the petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

(b) 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.

(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 petitioners shall not commit any offences of similar nature;

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

(f) the petitioners 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 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];

(h) 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/-
09/11/2020

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,
C.S.C.I.D.POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE JAILER,
SUB-JAIL, HOSUR.

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

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

CRL OP.17586/2020

Date :09/11/2020

TA-10/11/2020