

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17818 of 2020

Sathik

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
C.S.C.I.D, Police Station,
Krishnagiri District.
(Crime No.85 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.85 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.10.2020 for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(i) a (ii) of E.C.Act 1955, in Crime No.85 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner was illegally transporting 1050 Kgs of PDS rice without proper license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, on instruction, he would further submit that without prejudice to his defence, the petitioner is prepared to deposit considerable amount to any charitable Organization or Association. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner was illegally transporting 1050 Kgs of PDS rice without obtaining proper license. He would further submit that there is no previous case as against the petitioner. However, he vehemently opposed for 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.10,000/- (Rupees Ten 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No-I, Krishnagiri., and on further conditions that;

(a) 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.

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

(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.

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

-sd/-
10/11/2020

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 JAILER,
SUB-JAIL, KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
C.S.C.I.D POLICE STATION,
KRISHNAGIRI DISTRICT.

6 THE COMMISSIONER,
KRISHNAGIRI MUNICIPALITY
[FOR THE PURPOSE OF AMMA UNAVAGAM]

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

CRL OP.17818/2020

Date :10/11/2020

cs 11/11/2020