

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.20220 of 2020

Venkatesh @ Parthiban

... Petitioner

Vs.

The State rep. by,
The Inspector of Police,
CSCID., Police Station,
Krishnagiri.
(Crime No.94 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.94 of 2020 pending on the file of the respondent.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.T.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 02.12.2020 for the offence punishable under Sections 6(4) of TNSC (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of EC Act, 1955, in Crime No.94 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the Sub Inspector of Police, Krishnagiri Police Station is that the petitioner along with other accused was found to be illegally transporting 10 tons 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 only the driver of the vehicle 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 and the petitioner has been suffering incarceration from 02.12.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate would submit that the petitioner along with other accused was in possession of 10 tons PDS rice without any valid licence. He would further submit that the value of rice is Rs.56,500/- and there is no previous case against the petitioner. However, he vehemently opposed for the 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.5,000/- (Rupees Five Thousand only), to The Commissioner of Municipality, Krishnagiri District (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 like sum to the satisfaction of the the learned Judicial Magistrate-I, (FAC), 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.

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

-sd/-
22/12/2020

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 (FAC), 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,
CSCID POLICE STATION
KRISHNAGIRI.

6 THE COMMISSIONER OF MUNICIPALITY,
KRISHNAGIRI DISTRICT [FOR THE PURPOSE OF
SERVING FOOD IN THE AMMA UNAVAGAM]

7 THE SUB INSPECTOR OF POLICE,
KRISHNAGIRI POLICE STATION.

+1 CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges SR.No.8604

CRL OP.20220/2020

Date :22/12/2020

cs 23/12/2020