

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.976 of 2021

Shathik

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
CSCID Police Station, Krishnagiri,
Krishnagiri District.
(Crime No.99 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.99 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. M.Jayachandran

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.12.2020 for the offence punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(i) (a) (ii) of E.C. Act, 1955, in Crime No.99 of 2020, seeks bail.

2. The case of the prosecution is that on 21.12.2020, when the respondent police was on regular patrol duty, they found that the petitioner said to have transported 3200 kgs. of PDS rice worth about Rs.18,080/- without getting any valid license from Government authority. In the said circumstances, the petitioner was arrested on 22.12.2020, the F.I.R. has been registered against him and vehicle has been seized. Now, the present petition has been filed seeking bail.

3. The learned counsel for the petitioner would submit that he is only driver of the vehicle and as per the instruction of owner, he has driven the vehicle and he is not aware of the bags are PDS rice. He would submit that he has not committed any offence as alleged by the prosecution and he has been falsely implicated in

this case and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is a driver, has transported 3200 kgs. of PDS rice. She would submit that the owner of the vehicle was arrayed as A2 and he is still absconding. She would submit that the petitioner is having one criminal case against him. However, she vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances and also considering the fact that admittedly, the petitioner is a driver of a van, he is not aware of bags are PDS rice and the petitioner is in judicial custody from 22.12.2020, this Court is inclined to grant bail to the petitioner in subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on his executing 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:

(b) 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;

(c) the petitioner, on his release from prison, shall report before the respondent police, daily at 10.30 a.m. for the period of four weeks;

(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/-
25/01/2021

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 POLICE STATION, KRISHNAGIRI,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE
SUB-JAIL, KRISHNAGIRI.

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

CRL OP.976/2021

Date :25/01/2021

TA-27/01/2021

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