

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2501 of 2021

Syedsha

... Petitioner

Vs.

The State Represented by,
The Inspector of Police
CSCID Police Station
Krishnagiri
Krishnagiri District
(Crime No.07 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.07 of 2021 on the file of respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.M.Prabhavathi
Additional Public Prosecutor

O R D E R

Petitioner, who was arrested and remanded to judicial custody on 16.01.2021, 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.07 of 2021, seeks bail.

2. The case of the prosecution is that the petitioner was illegally transporting 1900 Kgs of PDS rice without any valid license. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the driver of the lorry and he has been been implicated in this case only for statistical purpose. He would further submit that the petitioner is in judicial custody since 16.01.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioners were illegally transporting 1900 Kgs of PDS rice without obtaining proper license. Hence, she vehemently opposed for the grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is the driver of the vehicle and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

(a) Accordingly, the petitioner is ordered to 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:

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

(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/-
12/02/2021

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 OFFICER INCHARGE
SUB JAIL, KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
KRISHNAGIRI,
KRISHNAGIRI DISTRICT.

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

WEB COPY

CRL OP.2501/2021

Date :12/02/2021

cs 15/02/2021