

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3078 of 2021

Syedsha

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
CSCID Police Station,
Krishnagiri Dt.
(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 in Crime No.07 of 2021 on the file of respondent police.

For Petitioner : Mr.M.Jayachandran

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 16.01.2021 for the offence 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 on 16.01.2021, when the respondent police was interpreted and found that the petitioner said to have transported 1900 kgs. of PDS rice in a lorry illegally. In the said circumstances, the petitioner was arrested on 16.01.2021, 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 1900 kgs. of PDS rice. She would submit that there is no previous case pending against the petitioner. 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 only a driver of a van, he is not aware of bags are PDS rice and the petitioner is in judicial custody from 16.01.2021, 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/-

18/02/2021

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION, KRISHNAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT

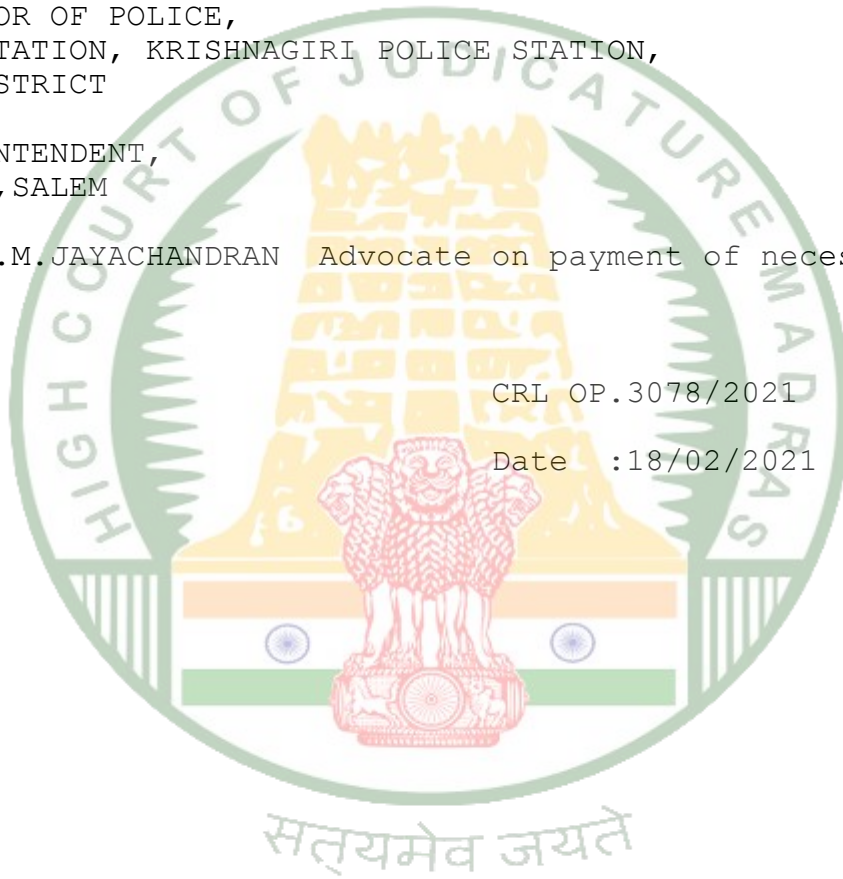
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

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

CRL OP.3078/2021

Date :18/02/2021

RVR 19/02/2021



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