

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3741 of 2021

Srinivasa Moorthi

... Petitioner

Vs.

State by

... Respondent

The Inspector of Police,
CSCID Police Station,
Krishnagiri District.
(Crime No.17 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to grant bail to the petitioner pending investigation in Crime No.17 of 2021 on the file of the respondent police.

For Petitioner : M/s.M.Jayachandran

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 07.02.2021 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.17 of 2021 on the file of the respondent police, seeks bail.

2. Totally, there are two accused and the petitioner is A1. The case of the prosecution is that the petitioner was said to have transported 600 kgs of PDS rice in a lorry. Hence the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is the driver of the lorry and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case only for statistical purpose and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that investigation almost completed and there is no previous case is pending as against the petitioner and hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that the petitioner is only the driver of the lorry and also the fact that there is no previous case pending as against the petitioner and investigation is almost completed and also taking note of the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(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-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 appear 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/-
25/02/2021

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 DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

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

WEB COPY

CRL OP.3741/2021

Date :25/02/2021

MN-26/02/2021