

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5144 of 2021

Sankar @ Sankaran

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Civil Supply CID Police Station,
Krishnagiri District.
(Crime No.25 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.25 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mrs.M. Prabhavathi,
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 25.02.2021 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.25 of 2021, seeks bail.

2. The case of the prosecution is that on 25.02.2021, on a secret information, when the respondent police was on duty of inspecting the vehicle, they found that the petitioner said to have transported 1150 kgs. of PDS rice worth about Rs.6,498/- without getting any valid license from Government authority. In the said circumstances, the petitioner was arrested on the same day, 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 has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. On instruction, he would further submit that without prejudice to his right and contentions, he is prepared to deposit/pay some considerable amount to any charitable organization or association and prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has transported 1150 kgs. of PDS rice, which is meant for poor and downtrodden people to other States. She would submit that the petitioner is not having bad antecedents against him. However, she opposed to grant bail to the petitioner.

5. In order to curb the illegal transportation of sand and taking into consideration of the voluntary submission made by the petitioner offering to deposit or to pay considerable amount to any charitable organization or association, this Court is of the opinion that the petitioner may be directed to deposit/pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the Jeeva Karunya Seva Ashramam Trust, Nakkayan Palayam, PN Palayam, Coimbatore, A/c.No.003301011559, IFSC.No. ICIC0000033 (Contact No.9677209438), without prejudice to his right and contention before the trial Court.

6. Merely, because the petitioner has deposited 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.

7. Taking note of the facts and circumstances and also considering the fact that there is no previous antecedents against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions :-

(a) The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) either through RTGS/NEFT or in cash in favour of Jeeva Karunya Seva Ashramam Trust, Nakkayan Palayam, PN Palayam, Coimbatore, A/c.No.003301011559, IFSC.No. ICIC0000033 (Contact No.9677209438), within fifteen (15) days from the date of receipt of a copy of this order. On such deposit, 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 two weeks and thereafter as and when required for interrogation ;

(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/-
15/03/2021

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, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID POLICE STATION,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

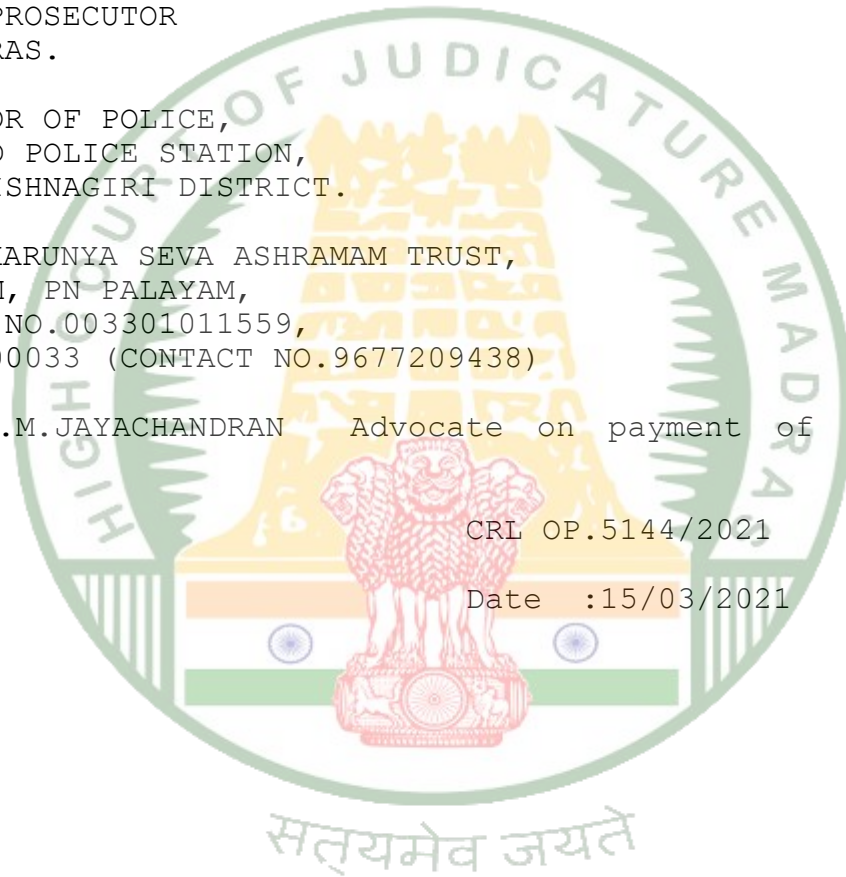
6 THE JEEVA KARUNYA SEVA ASHRAMAM TRUST,
NAKKAYAN PALAYAM, PN PALAYAM,
COIMBATORE, A/C.NO.003301011559,
IFSC.NO. ICIC0000033 (CONTACT NO.9677209438)

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

CRL OP.5144/2021

Date :15/03/2021

MK:16/03/2021



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