

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.6801 of 2021

Suresh

... Petitioner

Vs.

State by:-

The Inspector of Police,
CSCID Police Station,
Krishnagiri District,
Krishnagiri District.
(Crime No.28 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to grant bail to the petitioner pending investigation in Crime No.28 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Ms.M.Prabhavathi

Additional Public Prosecutor

ORDER

The petitioner who was arrested on 07.03.2021 for the offence under Section 6(4) of Tamil Nadu Scheduled Commodities (RDSCS) Order 1982 r/w 7(i) a (ii) of Essential Commodities Act, 1955 in

Cr.No.28 of 2021 on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that the petitioner was involved in illegal transportation of 15000 Kgs of PDS rice. The petitioner is arrayed as A3 in the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner in order to show his bonafide and without prejudice to his rights, is ready to deposit the amount that is to be imposed by this Court.

4.The learned Additional Public Prosecutor fairly conceded that the petitioner is only a helper and that there is no previous case pending against the petitioner.

5.In the recent past smuggling of articles meant for public distribution has highly increased. This Court has granted anticipatory bail and bail in cases relating to articles meant for public distribution system imposing conditions, however, the conditional amount was not

properly used for the said purpose. Hence, I am inclined to pass the following order:

(i)The Commissioner, Civil Supplies and Consumer Protection Department, Ezhilagam, IV Floor, Chepauk, Chennai, is directed to create a separate account for deposition of the conditional amount imposed by this Court for the purpose of spending the said amount to the public distribution system, within a period of two weeks from the date of receipt of a copy of this order.

6.Considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of the Commissioner, Civil Supplies and Consumer Protection Department, Ezhilagam, IV Floor, Chepauk, Chennai.

7.Considering the facts and circumstances of the case and also considering the submission made by the learned Additional Public Prosecutor, I am inclined to grant bail to the petitioner with certain conditions.

8. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Krishnagiri and on further condition that:

(a) the petitioner shall make a non refundable deposit of Rs.30,000/- (Rupees Thirty Thousand only) through demand draft to the credit of the Commissioner, Civil Supplies and Consumer Protection Department, Ezhilagam, IV Floor, Chepauk, Chennai, after creation of the account by the Commissioner, Civil Supplies and Consumer Protection Department and without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the 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 tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned 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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

08.04.2021

pri

Note: Registry is directed to mark a copy of this order to
The Commissioner,
Civil Supplies and Consumer Protection Department,
Ezhilagam, IV Floor, Chepauk, Chennai.

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

WEB COPY

M.DHANDAPANI,J.
pri

To

- 1.The Commissioner,
Civil Supplies and Consumer Protection Department,
Ezhilagam, IV Floor,
Chepauk, Chennai.
- 2.The Inspector of Police,
CSCID Police Station,
Krishnagiri District,
Krishnagiri District.
(Crime No.28 of 2021)
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



CrI.O.P.No.6801 of 2021

WEB COPY

08.04.2021