

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8776 of 2021

1.Naveenkumar ... Petitioners/Accused No.1,2
2.Nagaraj @ Nagaraju

Vs.

The State Rep by ... Respondent/Complainant
The Inspector of Police,
CSCID Police Station,
Krishnagiri District,
(Crime No.40 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.40 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioners are in custody since 20.04.2021 for the offences under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(i) a(ii) of E.C. Act 1955. The case of the prosecution is that the petitioners were found transporting a huge quantity of PDS rice (24,750 Kgs).

3. Though the allegation against the petitioners is very serious, since the petitioners are only the driver and cleaner of the vehicle and since there is no previous case registered against the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions.

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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 petitioners, on their release from prison, shall report before the respondent police everyday at 10.30 a.m for a period six weeks.

(d) the petitioners shall not commit any offences of similar nature;

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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

5. With the above directions, this Criminal Original Petition is ordered.

-sd/-
06/05/2021

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,
KRISHNAGIRI

<https://hcservices.ecourts.gov.in/hcservices/>

5 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

+1 CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary
charges SR.NO.5939

CRL OP.8776/2021

Date :06/05/2021

TA-07/05/2021



WEB COPY