

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2021

CORAM :

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8867 of 2021

Saleemkhan

..Petitioner

Vs

State by

..Respondent

The Inspector of Police,
CSCID Police Station,
Krishnagiri District,
Krishnagiri.
Crime No.37 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.37 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.Charles Premkumar,
Govt. Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is in custody since 20.04.2021 for the offence under Section 6(4) of TNSC (RDCS) order 1982 r/w 7(i) a (ii) of E.C.Act, 1955 in Crime No. 37 of 2021.

3. The petitioner is the accused and having illegally transported 1050 kgs of PDS. The petitioner is not having any previous case. Therefore, keeping the petitioner in incarceration may not serve any purpose.

4. Taking into account the over all facts and circumstances, 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 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 shall not commit any offences of similar nature;

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

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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];

(g) 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.1, KRISHNAGIRI.

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

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 DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

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

CRL OP.8867/2021

Date :06/05/2021

TA-11/05/2021



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