

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10743 of 2021

1. Senthilkumar ... Petitioners
2. Rathinavel
3. Vijay
4. Suresh

Vs.

State by, ... Respondent
The Inspector of Police,
CSCID Police Station, Krishnagiri District
Krishnagiri District.
(Crime No.58 of 2021)

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to grant bail to the petitioners pending investigation in Crime No.58 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran
For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested on 08.06.2021 and remanded to judicial custody for the offences under Sections 6 (4) of TNSC (RDCS) Order 1982 r/w 7(i) a (ii) of E.C. Act 1955 in Cr.No.58 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner along with other accused persons had transported 12,000 kgs of PDS rice without any permission. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 08.06.2021. However, on instructions, the learned counsel further submitted that the petitioners, on their own volition, are ready and willing to deposit a sum of Rs.50,000/- to the credit of the Commissioner, Civil Supplies and Consumer Protection Department, Ezhilagam, IV Floor, Chepauk, Chennai.

<https://hservices.courts.gov.in/hcservices/> The learned counsel prays to grant bail to the petitioners. 4. Heard

the learned Government Advocate (Crl.Side) appearing for the respondent.

5. Considering the period of incarceration suffered by the petitioners and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the Central Jail, Salem,, in which the petitioners are confined and on such execution the petitioners shall be released from prison;

(b) Within a period of four weeks after the release, each of the petitioner shall execute a bond for 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;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) the petitioners shall make a non-refundable deposit of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Commissioner, Civil Supplies and Consumer Protection Department, Ezhilagam, IV Floor, Chepauk, Chennai.** without prejudice to their defence before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgment, shall accept the sureties furnished by the petitioners;

(e) 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;

(f) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

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

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

-sd/-
22/06/2021

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-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 DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

6 THE COMMISSIONER, CIVIL SUPPLIES AND
CONSUMER PROTECTION DEPARTMENT,
EZHILAGAM, IV FLOOR,
CHEPAUK, CHENNAI.

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

CRL OP.10743/2021

Date :22/06/2021