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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21547 of 2021

1.Sathish
2.Rajesh

... Petitioners

Vs.

State by
The Inspector of Police,
CSCID Police Station,
Krishnagiri District,
Krishnagiri District.
Crime No: 159 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioners pending investigation in Crime No. 159 of 2021 on the file of the respondent police.

For petitioners : Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
Government Advocate

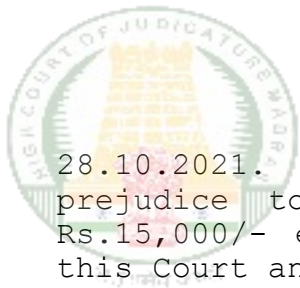
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 28.10.2021 for the offences under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(i) a(ii) of E.C. Act 1955 in Crime No.159 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 28.10.2021 at about 11 a.m., when the respondent police were engaged in regular checking of vehicles, petitioners were found illegally transporting 1700 kgs. of PDS rice (50 Kgs x 34 bags). Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and that they have been suffering incarceration for more than 20 days from



28.10.2021. He would further submit that the petitioners without prejudice to their contentions, are prepared to pay a sum of Rs.15,000/- each to any charitable institute as may be directed by this Court and would pray for grant of bail to the petitioners.

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4. The learned Government Advocate raised strong objection stating that the petitioners are arrayed as A1 and A2 and they are brothers and that they were found illegally transporting 1700 kgs. Of PDS rice for selling at Karnataka. He would further submit that A2 is having one previous case of similar nature.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioners, this Court is of the opinion that the petitioners shall be directed to make a non refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand Only) each, to the credit of the Registered Advocates Clerks Association, Krishnagiri District, without prejudice to their rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioners to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the period of incarceration undergone by the petitioners and that the investigation is almost completed, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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-I, Krishnagiri, and on further condition that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each through demand draft to the Registered Advocates Clerks Association, Krishnagiri District, without prejudice to their 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 petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;



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

(e) the petitioners 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 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;

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

-sd/-

17/11/2021

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 INSPECTOR OF POLICE,
CSCID POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
SUB JAIL, HOSUR



6 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION, KRISHNAGIRI DISTRICT

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

CRL OP.21547/2021

Date :17/11/2021

APN 17/11/2021