



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

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

Crl.O.P.No.21966 of 2021

WEB COPY

Sarathkumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police
CSCID Police Station,
Krishnagiri District.
(Crime No.163 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.163 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
Govt. Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 06.11.2021 for the offences under Sections 6 (4) of TNSC (RDSCS) Order 1982 r/w 7(i) a (ii) of E.C. Act 1955, in Crime No.163 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 06.11.2021 when the respondent police were on their regular patrol duty, the petitioner was found in possession of 2000Kgs of PDS rice (50kgs x40 bags) without getting any permission or license from the State Government. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and that the petitioner has been in jail from 06.11.2021. However, on instructions, the learned counsel further submitted that the petitioner, without prejudice to his rights, on his own volition, are ready and willing to contribute a sum of Rs.7,000/- to any charitable trust. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate appearing for the respondent raised objection stating that the petitioner was found in illegal possession of 2000Kgs of PDS rice (50kgs x40 bags) without getting any permission or license from the State Government.

5. Considering the period of incarceration suffered by the petitioner and the fact that investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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.7,000/- (Rupees Seven Thousand only), to 'The Sevalaya, No.F-2, Pushkarani Apartments, 12 Ananda Road, Alwarpet, Chennai - 600 018, Account Name: SEVALAYA, A/C No. :218601000134, Bank : ICICI Bank, Branch : Mylapore, Chennai - 600 004, IFSC Code : ICIC0002186, Phone No.: 9941450444'', without prejudice to his 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/acknowledgement, 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, on every Friday 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.

-sd/-

22/11/2021

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 SEVALAYA, NO.F-2, PUSHKARANI APARTMENTS,
12 ANANDA ROAD, ALWARPET, CHENNAI - 600 018,
ACCOUNT NAME: SEVALAYA, A/C NO. :218601000134,
BANK : ICICI BANK, BRANCH : MYLAPORE,
CHENNAI - 600 004, IFSC CODE : ICIC0002186,
PHONE NO.: 9941450444

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

CRL OP.21966/2021

Date :22/11/2021

RVR 23/11/2021