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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2021

CORAM:

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

CrI.O.P.No.22424 of 2021

Prabu

... Petitioner

Vs.

The State rep by  
Inspector of Police,  
CSCID Police Vellore  
Vellore District.  
(Crime No: 252 of 2021)

...Respondent

**PRAYER:** Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No. 252 of 2021 on the file of the respondent police.

For petitioner : Mr.M.Sathish Kumar

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

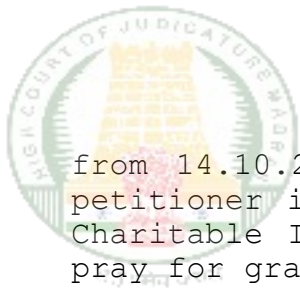
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 14.10.2021 for the offences under Sections 6(4) of TNSC (RDCS) order 1982, r/w 7(1) a(ii) of E.C. Act 1958, in Crime No.252 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the on 14.10.2021, while the respondent police were engaged in regular checking of vehicles, the petitioner was found illegally transporting 119 bags of PDS rice each 50 Kgs (119\*50 = 5934 Kgs) to Andhra Pradesh. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and they has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 40 days



from 14.10.2021. On instructions, he would further submit that the petitioner is ready and willing to pay a sum of Rs.20,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner is arrayed as A1 and A2 is still absconding but admits that the investigation almost completed.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.20,000/- (Rupees Twenty Thousand Only), to the credit of the Tamil Nadu Advocates Clerks Association, Chennai, without prejudice to his rights and contention. 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 petitioner 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 petitioner and the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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.IV, Vellore District, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft to the Tamil Nadu Advocates Clerks Association, Chennai, without prejudice to his 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e) 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/-

26/11/2021

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.IV, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE, VELLORE DISTRICT.

4 THE INSPECTOR OF POLICE,  
CSCID POLICE ,  
VELLORE, VELLORE DISTRICT

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

6 THE TAMILNADU ADVOCATES CLERKS  
ASSOCIATION, CHENNAI.

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

CRL OP.22424/2021

Date :26/11/2021

RW 29/11/2021