



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Cr1.O.P.No.24117 of 2021

1. David Francis
2. Manikandan @ Thangamalai ... Petitioners

Vs.

State By
The Inspector of Police,
CSCID Police Station,
Krisnagiri District.
(Crime No.175 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.175 of 2021 on the file of the respondent police.

For Petitioners: Mr.M.Jayachandran

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 24.11.2021 for the offences under Sections 6(4) Tamil Nadu Schedule Commodities (Regulation of Distribution through card system) order 1982 r/w Section 7(1)(a)ii of the Essential Commodities Act, 1955, in Crime No.175 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.11.2021 at about 17.30 a.m., based on a secret information, when the respondent police was interpreted and founded that A1 and A2 have driven the lorry and illegally transported 22000kgs of PDS rice on instruction of the owner of lorry and rice owners by using lorry without any valid permits and FIR has been registered as against the petitioners and remanded to judicial custody.



3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and they have been suffering incarceration for more than 19 days from 24.11.2021. However, on instructions, he submits that the petitioners are ready and willing to pay a sum of Rs.30,000/- to any Charitable Organization as may be directed by this Court and he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that tA1 and A2 have driven the lorry and illegally transported 22000kgs of PDS rice on instruction of the owner of lorry and rice owners by using lorry without any valid permits. He further submits that there is no previous cases as against the petitioners.

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.30,000/- (Rupees Thirty Thousand Only), to the credit of the Government Leprosy Rahabilitation Home, Paranur, Chengalpet without prejudice to his rights and contentions and the said amount shall be utilized for improving the infrastructure facilities of the said home within 4 weeks and submit report before District Collector of Chengalpet.

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 also the fact that there is no previous cases as against the petitioners, this Court is inclined to grant bail to the petitioner 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.30,000/- (Rupees Thirty Thousand Only) through demand draft to the to the credit of the Government Leprosy Rahabilitation Home, Paranur, Chengalpet and the said amount shall be utilized for improving the infrastructure facilities of the said home and submit the report to the Chengalpet District Collector 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 petitioners;



(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;

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(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/-

13/12/2021

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 DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

4 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
KRISHNAGIRI DISTRICT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE GOVERNMENT LEPROSY RAHABILITATION HOME,
PARANUR, CHENGALPET.

7 THE DISTRICT COLLECTOR,
CHENGALPET.

CC to Mr.M.Jayachandran Advocate on payment of necessary charges

CRL OP.24117/2021

Date :13/12/2021

RW 14/12/2021