



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

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CORAM:

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

Crl.O.P.No.24998 of 2021

1. Sugu @ Surendira ... Petitioners
2. Manivannan

Vs.

The State rep by
Inspector of Police,
CSCID Police Station,
Krisnagiri District.
(Crime No.179 of 2021) ...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarged the the petitioners on bail in Crime No.179 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Sathish Kumar
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 05.12.2021 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, 1958, in Crime No.179 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.12.2021 at about 6.30 p.m., based on a secret information, when the respondent police was on regular patrol near Perigai Check Post, they found that the petitioners had illegally transported 11000kgs of PDS rice worth about Rs.62,150/- by using lorry without any valid permits and FIR has been registered as against the petitioners and remanded to judicial custody and the said vehicle also seized.

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 14 days from



05.12.2021. However, on instructions, he submits that the petitioners are ready and willing to pay a sum of Rs.20,000/- to any Charitable Organization as may be directed by this Court and he prays for grant of bail to the petitioner.

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4. The learned Government Advocate raised objection stating that the petitioners had illegally transported 11000kgs of PDS rice worth about Rs.62,150/- by using lorry without any valid permits. He further submits that there is one previous case as against the second 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.20,000/- (Rupees Twenty Thousand Only), to the credit of the Little Hearts Rehabilitation Centre for the Persons with Mental Illness , 2/255, Achandaram Bagalur to Berigai Road, Hosur, Krishnagiri District -635 105, A/C.No.310 62199342, Bank: State Bank of India, Branch: Uthandi Branch, IFSC Code: SBIN0011771, Cell No.9884999492, 9940617712 without prejudice to their rights and contentions and the said amount shall be utilized for improving the infrastructure facilities of the said home and submit report before the District Collector of Krishnangiri.

6. It is made clear that the deposit of the amount by the petitioners to the said Rehabilitation Centre 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 facts and circumstances of the case and also considering the period of incarceration undergone by the petitioners and the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.20,000/- for charitable purpose.

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, Krishnagiri District and on further condition that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) by way of demand draft to the credit of the Little Hearts Rehabilitation Centre for the Persons with Mental Illness , 2/255, Achandaram Bagalur to Berigai Road, Hosur, Krishnagiri District -635 105, A/C.No.310 62199342, Bank: State Bank of India, Branch: Uthandi Branch, IFSC Code: SBIN0011771, Cell No.9884999492, 9940617712, and the said amount shall be utilized for improving the infrastructure facilities of the said Rehabilitation Centre with monitoring the District Collector, within a period of two weeks from the date of receipt of copy of this order 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/-
20/12/2021

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-I,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

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

4 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI DISTRICT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE LITTLE HEARTS REHABILITATION CENTRE
FOR THE PERSONS WITH MENTAL ILLNESS,
ACHANDARAM BAGALUR TO BERIGAI ROAD, HOSUR,
KRISHNAGIRI DISTRICT -635 105,
A/C.NO.310 62199342, BANK: STATE BANK OF INDIA,
BRANCH: UTHANDI BRANCH, IFSC CODE: SBIN0011771,
CELL NO.9884999492, 9940617712.

7 THE DISTRICT COLLECTOR,
KRISHNAGIRI DISTRICT.

+1CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary
charges SR.NO.15153

CRL OP.24998/2021

Date :20/12/2021

CSK 21/12/2021