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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Cr1.O.P.No.25148 of 2021

Boopathi

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
CSCID Police Station,
Krishnagiri District
(Crime No.181 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner pending investigation in Crime No.181 of 2021 on the file of the respondent police.

For Petitioner : M/s.M.Jayachandran

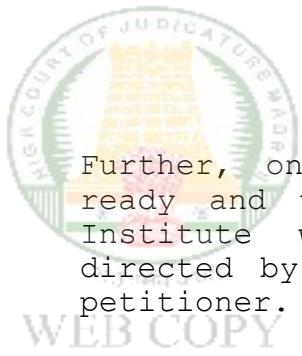
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 07.12.2021 for the offence under Sections 6 (4) of TNSC (RDCS) Order 1982 r/w 7(i) a(ii) of E.C. Act 1955 in Crime No.181 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that 06.12.2021 at about 10.00 a.m., when the respondent police officials were on their regular patrol duty, found the TATA sumo bearing Reg. No.AP39 of DF 4077 was in possession of 353 Kgs. of PDS rice worth about Rs.1994/- by the petitioner without any permission or license from the State Government. Hence this case.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and there is no previous case against him and that he has been suffering incarceration for more than 15 days from 07.12.2021.



Further, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.5,000/- to any Charitable Institute without prejudice to his rights and contentions as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that petitioner was found in illegal possession of 353 Kgs of PDS rice worth about Rs.1994/- without any permission or license from the State Government.

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.5,000/- (Rupees Five Thousand Only), to the credit of the Tamil Nadu Advocates Clerks Association, Chennai, without prejudice to his 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 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 facts and circumstances of the case and the fact that there is no previous case pending and also considering the period of incarceration undergone by the petitioner, 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-I, Krishnagiri, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five 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 on every Wednesday 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/-

22/12/2021

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 INSPECTOR OF POLICE,
CSCID POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE TAMIL NADU ADVOCATES
CLERKS ASSOCIATION,
HIGH COURT, MADRAS.

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

CRL OP.25148/2021

Date :22/12/2021

CSK 22/12/2021