



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Crl.O.P.No.25178 of 2021

Aasaithambi

... Petitioner

Vs.

State Rep. By:
The Inspector of Police,
CSCID Krishnagiri,
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 petitioner in Crime No. 175 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Chozhan

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 02.12.2021 for the offences under Sections 6(4) TNSC (RDCS) Order 1982 r/w 7(i)(a)(ii) 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 6.30 p.m, based on a secret information, when the respondent police were engaged in vehicle check up at Krishnagiri to Bangalore High Way Road near Toll Plaza, the petitioner was found illegally transporting 440 bags of PDS Rice, each containing 50 Kgs. (totally 22,000 Kgs.) which is worth of Rs.1,24,300/- without any valid permit from the Government. 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 he has been falsely implicated in this case and that he has been suffering incarceration for more than 25 days from 02.12.2021.



However, on instructions, he would 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.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner was found illegally transporting 440 bags of PDS Rice, each containing 50 Kgs. (totally 22,000 Kgs.) which is worth of Rs.1,24,300/- without any valid permit from the Government but admits that there is no previous case against the petitioner.

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 Registered Advocates Clerks Association, Ramanathapuram, 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 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-I, Krishnagiri, and on further condition that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft to the Registered Advocates Clerks Association, Ramanathapuram, 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 Ramanathapuram Town Police station 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/-
21/12/2021

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 [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
CSCID, KRISHNAGIRI,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE OFFICER INCHARGE,
SUB-JAIL, KRISHNAGIRI.

6 THE REGISTERED ADVOCATE,
CLERKS ASSOCIATION,
RAMANATHAPURAM.

7 THE OFFICER INCHARGE,
RAMANATHAPURAM TOWN POLICE STATION,
RAMANATHAPURAM.

+1 CC to M/S.K.CHOZHAN Advocate on payment of necessary charges
SR.NO.15201

CRL OP.25178/2021

Date :21/12/2021

JPA 21/12/2021