



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

WEB COPY

CORAM:

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

CrI.O.P.No.2203 of 2022

1.Rajapattani
2.Harikrishnan

... Petitioners

Vs.

State Rep. By
The Inspector of Police,
Coimbatore CSCID Police Station.
(Crime No.267 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.267 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.S.Venkatesh

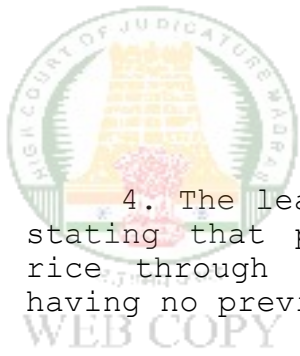
For Respondent : Mr.N.S.Suganthan
Government Advocate (CrI side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 28.12.2021 for the offences under Section 6 (4) of TNSC (RDCS) order 1982 r/w Section 7 (1) (a) (ii) of EC Act 1955 in Crime No.267 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners had illegally transported 30,000 kgs of PDS rice through lorry without any valid license. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner was suffering incarceration for 35 days from 28.12.2021. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum Rs.20,000/- (Rs.10,000/- each) for the charitable purpose as may be directed by this Court. Hence, he seeks to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would raise objection stating that petitioners illegally transported 30,000/- Kgs of PDS rice through lorry. He further submitted that the petitioners is having no previous case.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum Rs.20,000/- (Rs.10,000/- each) for the charitable purpose, this Court is inclined to grant bail to the petitioner with conditions.

[a] the Petitioners are ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioners are directed to deposit a sum of Rs.20,000/- [Rupees Twenty thousand only (Rs.10,000/- each)] to the Registered Advocate Clerks Association, Coimbatore, and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the *learned Judicial Magistrate No.4, Coimbatore*, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c] 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;

[d] the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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;



[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
01/02/2022

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.4, COIMBATORE.

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

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE REGISTERED ADVOCATE CLERK ASSOCIATION,
COIMBATORE.

+1CC to M/S VENKATESH S. Advocate on payment of necessary charges SR.No.1544

CRL OP.2203/2022

Date :01/02/2022

CSK 02/02/2022