



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Cr1.O.P.No.2057 of 2022

Shasikh Amjad

...Petitioner

Vs.

State Represented by  
The Inspector of Police,  
CSCID Police Station, Krishnagiri District,  
Krishnagiri.  
(Crime No.04 of 2022)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.04 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 11.01.2022 for the offences under Sections 6(4) of TNSC (RDC) Order 1982 r/w 7(i) a(ii) of E.C. Act 1955, in Crime No.04 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.01.2022, at about 5.00 a.m., when the respondent police were on their regular patrol duty, the petitioner was found in illegal transportation of 650 kgs of PDS rice in his vehicle bearing Reg.No. KA-02-N-45004 without any permission from the concerned authorities. Hence, the complaint.

2. The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for 21 days from 11.01.2021. Hence, he prays to grant bail to the petitioner.



3. The learned Additional Public Prosecutor submit that there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

4. Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) the petitioner is 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 petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.I, Krishnagiri, 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Tuesday, at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A 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.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI DISTRICT [FOR INFORMATION]

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

4 THE OFFICE INCHARGE  
SUB JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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

CRL OP.2057/2022

Date :01/02/2022

CSK 02/02/2022