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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3389 of 2022

Ramasamy

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
CSCID Police Station, Krishnagiri District,
Krishnagiri District
(Crime No.12 of 2022)

... 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.12 of 2022 on the file of the respondent police.

For Petitioner : Mr.Jayachandran

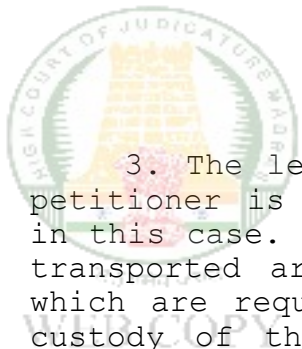
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.01.2022 for the offences under Sections 6(4) of TN Scheduled Commodities (RDCS) order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.12 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.01.2022 at about 4.30 a.m, the respondent police on their regular patrol duty found that by the two wheeler Bajaj Discover bike bearing Reg.No.TN 24 H 1955, the petitioner and another accused (A2) illegally transported 1100 Kgs (50x22) of PDS rice without obtaining any permission or License from the State Government.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the property alleged to be transported are all recovered and as of now, the material objects which are required for completing the investigation, are all in the custody of the respondent. It is his further submission that the petitioner is under judicial custody from 25.01.2022 and also the other accused in this case is enlarged on bail by the District Sessions Judge, Krishnagiri. He would further submit that the petitioner is ready and willing to deposit Rs.50,000/- as non refundable deposit to the credit of Adayar cancer institute, chennai. Hence, he prays for bail.

4. Ms.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the investigation is pending in this case. However, she fairly admits that the material objects and the rice which was transported at the relevant point of time are all recovered by the investigating agency.

5. The submissions made by the learned counsel on either side are considered.

6. The present case has been registered against the petitioner for the offences punishable under Sections 6(4) of TN Scheduled Commodities (RDCS) order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955. As of now, the material objects which are all necessary for completing the investigation are all recovered. The petitioner is not having any previous antecedents and the other accused was also arrested and enlarged on bail. Hence, taking note of all the above said aspects into consideration and having regard to the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the condition. Accordingly, the petitioner is ordered to be released on bail subject to the condition.

(a) the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate No.I, Krishnagiri.

(b) the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Adayar cancer institute, chennai, and after such deposit he is directed to produce the receipt before the Magistrate when at the time of execution of bond.



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(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 daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

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

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

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered

-sd/-
11/02/2022

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.1, KRISHNAGIRI

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 ADAYAR CANCER INSTITUTE
CHENNAI.

CC to M.JAYACHANDRAN Advocate on payment of necessary charges

CRL OP.3389/2022

Date :11/02/2022

JPA 14/02/2022