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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.14300 of 2022

Vishalraj

..Petitioner/A1

Vs.

State by:-

The Inspector of Police,
CSCID Police Station,
Cuddalore District
crime No.95 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.95 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.05.2022 for the offences punishable under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(i)(a)(ii) of E.C. Act, 1955 in crime No.95 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.05.2022 at about 5.00 p.m., when the respondent police were on their regular patrol duty, they found the lorry bearing registration No.TN 60 C 6267 mini van transporting 12,000 kg of PDS rice worth Rs.67,800/- by the petitioner and other accused persons without obtaining any permission from the State Government. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is no way connected with the alleged offence. He would further submit that the petitioner is only the driver of the vehicle. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that there are totally four accused, in which the petitioner is arrayed as A1, who along with other accused persons transported 12,000 kg of PDS rice without licence and the petitioner is the driver of the vehicle involved in this offence. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and the also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall donate 10 bags of ponni rice (each 50 kg) and 2 bags of toor dal (each 25 kg) to Sneha Special Home For Children, Pannapalli Village, Nachikuppam (PO), Veppanapalli Via, Krishnagiri District (Ph.No.94480 58060) and on such donation, 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Cuddalore and on further conditions that :-

[a] 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.

[b] the petitioner shall donate 10 bags of ponni rice (each 50 kg) and 2 bags of toor dal (each 25 kg) to Sneha Special Home For Children, Pannapalli Village, Nachikuppam (PO), Veppanapalli Via, Krishnagiri District (Ph.No.94480 58060), and that the receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[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 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

22/06/2022

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, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

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

4 THE OFFICER INCHARGE
SUB JAIL, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SNEHA SPECIAL HOME FOR CHILDREN,
PANNAPALLI VILLAGE, NACHIKUPPAM (PO),
VEPPANAPALLI VIA, KRISHNAGIRI DISTRICT.
(PH.NO.94480 58060)

+1CC to M/S.M.JAYACHANDRAN Advocate on payment of necessary
charges SR.No.9697

CRL OP.14300/2022

Date :22/06/2022

CSK 22/06/2022