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CrI.OP.No.18394 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2022

CORAM

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

CrI.OP.No.18394 of 2022

1.Eswaran
2.Murugan

...Petitioners

Vs.

State by:-

The Inspector of Police,
CSCID Police Station,
Krishnagiri District.
(Crime No.116 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to grant bail to the petitioner pending investigation in Crime
No.116 of 2022 on the file of the respondent police.

For Petitioners : Mr.M.Jayachandran

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 21.07.2022 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



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No.116 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.07.2022 at about 2.00 a.m., when the respondent police were on their regular patrol, at that time they intercepted a unregistered Eicher lorry and found that the accused persons had illegally transported 16,000 Kgs of PDS Rice worth about Rs.90,400/- without obtaining any permission or license from the State Government. Hence, the complaint.

3. The 1st petitioner/A1 is the driver and the 2nd petitioner/A2 is the cleaner of the vehicle. They were arrested and remanded to judicial custody on 21.07.2022. There are no previous case pending against them.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners from the date of their arrest i.e., 21.07.2022, this Court is inclined to grant bail to the petitioners. Accordingly, the 1st petitioner shall donate 10 bags of Ponni Rice (each 50 kgs) and 2 bags of toor dal (each 25 kgs) to **Sri Nivedidha**



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Seva Trust, No.3/367, Narasamma Colony, Hosur, Krishnagiri (Dt) – 635109. Ph. 9443982835 and the 2nd petitioner shall donate 10 bags of Ponni Rice (each 50 kgs) and 2 bags of toor dal (each 25 kgs) to **Vinayaga Home for Children, No. 12, Bagalur Road Near Tirupathi Kalyana Mandapam, Nanjappa Nagar, Hosur, Krishnagiri district.Ph. 9443688240** and on such donation, the petitioners are ordered to be released on bail on their executing a separate 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 No.I, Krishnagiri**, 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 1st petitioner shall donate 10 bags of Ponni Rice (each 50 kgs) and 2 bags of toor dal (each 25 kgs) to **Sri Nivedidha Seva Trust, No.3/367, Narasamma Colony, Hosur, Krishnagiri (Dt) – 635109. Ph. 9443982835** and the 2nd petitioner shall donate 10 bags of Ponni Rice (each 50 kgs) and 2 bags of toor dal (each 25 kgs) to **Vinayaga Home for Children, No. 12, Bagalur Road Near Tirupathi Kalyana Mandapam, Nanjappa Nagar, Hosur, Krishnagiri district.Ph. 9443688240** and the receipt of such donations shall be



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produced before the concerned learned Magistrate at the time of execution of bond.

[c] the petitioners shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

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

[e] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

04.08.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.I,
Krishnagiri.
- 2.The Inspector of Police,
CSCID Police Station,
Krishnagiri District.
- 3.Sub Jail,
Krishnagiri.
- 4.The Public Prosecutor,
High Court of Madras

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