



Crl.OP.No.21179 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Jaheer Ahamed

...Petitioner

Vs.

State by:-

The Inspector of Police,

CSCID Police Station,

Krishnagiri District.

(Crime No.135 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner pending investigation in Crime No.135 of 2022 on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.08.2022 for the offences punishable under Section 6(4) of TNSC (RDCS) Order, 1982 read with Section 7(i) a (ii) of E.C. Act, 1955 in crime No.135 of 2022 on the file of the respondent police, seeks



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bail.

2. The case of the prosecution is that the petitioner illegally transported 190 bags of PDS Rice totally weighing about 9,500 Kgs worth about Rs.53,000/-.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is the driver of the vehicle and he was not aware whether the contraband was having licence or not. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the driver of the vehicle which has transported 9,500 Kgs of PDS rice worth about Rs.53,395/-. He would further submit that he is having one previous case pending against him. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as a non-refundable deposit to the credit of Adi Dravidar Welfare Officer, Krishnagiri District** and on such deposit being made, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as a non-refundable deposit to the credit of Adi Dravidar Welfare Officer, Krishnagiri District and the receipt of the same shall be produced before the concerned learned Magistrate at the time of execution of bond.**

[c] **the petitioner shall report before the respondent police everyday morning at 10.30 a.m. and evening at 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.**

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



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[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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mpl



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A.D.JAGADISH CHANDIRA, 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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