



Crl.O.P.No.22946 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2022

CORAM

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

Crl.OP.No.22946 of 2022

Santhosh Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CSCID Police Station,
Krishnagiri District.

Crime No.150 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with Crime No.150 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)



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ORDER

The petitioner, who were arrested and remanded to judicial custody on 05.09.2022 for the offences punishable under Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 r/w Section 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.150 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.09.2022, when the respondent Police and his team were on routine rounds, they found that the petitioner had illegally transported 6000 kilograms of PDS Rice, worth about Rs.33,900/-. Hence the complaint.

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. Hence, he prays for grant of bail to the petitioner. However, he would also submit that without prejudice to his contentions, the petitioner is prepared to deposit a considerable amount as non-refundable deposit to any



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Welfare Scheme of the Government. 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 have transported 6000 Kgs of PDS rice, worth about Rs.33,900/-. He would also submit that there is no previous case as against this petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. In order to curb the illegal activities of transporting PDS rice, this Court is of the opinion that the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty thousand only) as non refundable deposit to "the District Revenue Officer, Krishnagiri District", without prejudice to his rights and contentions before the trial Court.



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7. Merely, because the petitioner deposit the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner have prepared to deposit Rs.30,000/- to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is directed to **deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Krishnagiri District"**, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond each for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like



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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 report before the respondent Police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[e] 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];**



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

27.09.2022

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To

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



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A.D.JAGADISH CHANDIRA., J.

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