



Crl.O.P.No.24564 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

CORAM

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

Crl.OP.No.24564 of 2022

1. Mohan

2. Johnson Prabhu

... Petitioners

Vs.

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

Crime No.184 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in connection with Crime No.184 of
2022, on the file of the Respondent Police.

For Petitioners : Mr.C.Prakasam

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.09.2022 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.184 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.09.2022, when the respondent Police and his team were on routine rounds, they found that the petitioners had illegally transported 25,000 kilograms of PDS Rice, worth about Rs.1,41,250/-. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays for grant of bail to the petitioners. However, he would also submit that without prejudice to his contentions, the petitioners are prepared to deposit a considerable amount as non-refundable deposit to any Welfare Scheme of the Government. Hence, he prays for grant of bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners have transported 25,000 Kgs of PDS rice, worth about Rs.1,41,250/-. He would also submit that the petitioners are arrayed as A3 and A4 and there is no previous case as against these petitioners. However, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioners 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 petitioners shall deposit a sum of Rs.1,40,000/- (Rupees One lakh forty thousand only) each as non refundable deposit to "the District Revenue Officer, Tiruppur District", without prejudice to their rights and contentions before the trial Court.



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7. Merely, because the petitioners deposit the said amount, it would not amount to admission of their 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 petitioners have prepared to deposit Rs.1,40,000/- each to any welfare scheme of the Government, this Court is inclined to grant bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are directed to **deposit a sum of Rs.1,40,000/- (Rupees One Lakh Forty Thousand only) each by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Tiruppur District"**, without prejudice to their rights and contentions before the trial Court, on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties,**



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each for a like sum to the satisfaction of the **learned Judicial Magistrate**

No.II, Tiruppur 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 petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

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

[d] the petitioners 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 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]**;



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

11.10.2022

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To

1. The Judicial Magistrate No.II,
Tiruppur.
2. The Inspector of Police,
CSCID Police Station,
Tiruppur District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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