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Crl.OP.No.29212 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

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

Crl.OP.No.29212 of 2022

1.Karthick
2.Poovarasan

... Petitioners

Vs.

State by
The Inspector of Police,
C.S.C.I.D Police Station,
Krishnagiri District.
(Crime No.200 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners pending investigation in Crime No.200 of
2022 on the file of the respondent police.

For Petitioners : Mr.P.M.Jayachandran

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 13.11.2022 for the offences punishable under Sections 6(4) of TNSC (RDCS) order 1982 r/w 7(i) a (ii) of EC Act 1955 in Crime No.200 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with the other accused were found to be in possession of 9,500 Kgs of PDS rice in the lorry bearing Registration No. TN 29 M 8127. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that without prejudice, the petitioners are ready and willing to make a non-refundable deposit of Rs.5,000/- each to the any Welfare Scheme of the Government. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.side) submitted that the



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petitioners were found in possession of 9,500 Kgs of PDS rice. He would further submit that there is no previous case pending against the petitioners. However, he opposed to grant bail to the petitioners.

5. Heard both the learned counsel and perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners. However, it is made clear that merely, because the petitioners deposited 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.

7. Accordingly, **the petitioners shall deposit a sum of Rs.5,000/- (Rupees FiveThousand only) each as a non-refundable deposit to the credit of District Revenue Officer, Krishnagiri District** and on such deposit, the petitioners are ordered to be released on bail on their executing a



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separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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;

[c] the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders;

[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



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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.

28.11.2022

shk

To

1. The learned Judicial Magistrate No.I, Krishnagiri
- 2.The Inspector of Police,
C.S.C.I.D 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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