



Crl.O.P.No.4899 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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

Crl.O.P.No.4899 of 2023

M.Saravanan

.. Petitioner

Vs.

The State represented by,
The Inspector of Police,
CSCID Police Vellore,
Vellore District.

(Crime No.67 of 2018).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.67
of 2018, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.12.2022 in connection with Crime No.358 of 2022 and was arrested under P.T.Warrant on 05.01.2023 in this case for the offences under Sections 6(4) of TNSC (RDCS) Order 1982 r/w Section 7(1)a(ii) of E.C.Act, 1955, r/w Sections 307 and 506(ii) of IPC, in Crime No.67 of 2018 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receipt of secret information, the respondent Police and his team went to the scene of occurrence and conducted a search, wherein, they found that the accused were in illegal possession of 3250 kgs of PDS rice and they also threatened the Police officials with dire consequences. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got some previous cases of similar nature. He further submitted that the petitioner is in custody from 22.12.2022, hence, he prayed to grant bail to the petitioner.



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4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused was found to be in illegal possession of 3250 kgs of PDS rice and also threatened the police officials. He further submitted that the 24 previous cases are pending as against the petitioner. Therefore, he opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.50,000/- as non- refundable deposit to any welfare scheme of the Government or to any shelter home and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

6. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor and perused the materials available on record.



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7. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit to the credit of "the District Revenue Officer, Vellore District", without prejudice to his rights and contentions before the trial Court.

8. Merely, because the petitioner has deposited 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.

9. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioner and also taking note of the fact that the petitioner has prepared to deposit Rs.50,000/- to the credit of the District Revenue Officer, Vellore District, this Court is inclined to grant bail to the petitioners with certain conditions.

10. Accordingly, the petitioner is directed to **deposit a sum of**



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Rs.50,000/- (Rupees Fifty Thousand only) as non refundable deposit by way of Demand Draft/RTGS/NEFT to the "District Revenue Officer, Vellore 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 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.IV, Vellore** 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 abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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



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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]***;

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

16.03.2023

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To

- 1.The Judicial Magistrate No.IV,
Vellore.
- 2.The Inspector of Police,
CSCID Police Vellore,
Vellore District.
- 3.The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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