



WEB COPY

Crl.O.P.No.9196 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9196 of 2023

Sardhar

... Petitioner

Vs.

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

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner pending investigation in Crime No.46
of 2023 on the file of the respondent herein.

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 01.04.2023, for the offences punishable under Sections 6(4) of TNSC
(RDCS) Order 1982 r/w 7(i)a(ii) of E.C Act, 1955, in Crime No.46 of 2023
on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 01.04.2023, the petitioner along with other accused was found transporting 5250 Kgs. of PDS rice without obtaining any permission or license from the Government, by using a lorry bearing Regn.No.AP-31-TC-5275. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him and that the petitioner has been suffering incarceration from 01.04.2023. However, on instructions he would submit that without prejudice to his rights and defence, the petitioner is ready to deposit a substantial amount to any welfare scheme run by the Government and he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that there are totally 5 accused in this case and that the petitioner has got one previous case against him.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.



6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to **make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only) by way of Demand Draft/RTGS/NEFT to the credit of “District Revenue Officer, Krishnagiri District” and 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.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 everyday at 10.30 a.m. for a period of two weeks and thereafter, every Saturday at 10.30 a.m. until further orders;



WEB COPY

Crl.O.P.No.9196 of 20



[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 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.

26.04.2023

ksa-2



To

1. The Judicial Magistrate I, Krishnagiri.
2. The Inspector of Police
CSCID Police Station,
Krishnagiri District.
3. The Jailer, Sub Jail, Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.9196 of 20

A.D.JAGADISH CHANDIRA,J.,

ksa-2

Crl.O.P.No.9196 of 2023

26.04.2023