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Crl.O.P.No.9034 of 2023

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.9034 of 2023

Siva @ Sivasubramani

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
CSCID Police Station,
Krishnagiri.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in pending investigation in Crime
No.120 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Parthiban

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 04.04.2023 for the offences punishable under Section 6(4) of the



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Tamil Nadu Scheduled Commodities [RDCS] Order, 1982 r/w Section (7)(i)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.120 of 2022, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused had illegally transported 22000 kgs of PDS rice worth about Rs.1,13,000/-, without obtaining any permission or license from the Tamil Nadu State Government. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is in judicial custody from 04.04.2023. Hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with other accused had illegally transported 22,000 kgs of PDS rice worth about Rs.1,13,000/-,



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without obtaining any permission or license. He would further submit that there are five previous cases, similar in nature, pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.1,00,000/- as a non-refundable deposit to "**the District Revenue Officer, Krishnagiri District**". Hence, he prayed for grant of bail to the petitioner.

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

7. In order to curb the illegal activities of transporting PDS rice, the petitioner undertakes to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** as a non-refundable deposit to "**the District Revenue Officer, Krishnagiri District,**" without prejudice to his rights and contentions before the trial Court. However, it is made clear that merely, because the petitioner



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deposits 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 and circumstances of the case, the submissions made by either side and also taking note of the fact that the petitioner has come forward to deposit an amount of Rs.1,00,000/- to the credit of the **"the District Revenue Officer, Krishnagiri District"**, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.1,00,000/- (Rupees One Lakh 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 her 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:



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[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., 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 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

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To

1. The Judicial Magistrate No.I,
Krishnagiri.
2. The Inspector of Police,
CSCID Police Station,
Krishnagiri.
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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