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Crl.O.P.No.9606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

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

Crl.O.P.No.9606 of 2023

Aslam Basha

... Petitioner

Vs.

The Inspector of Police
CSCID Police Station
Krishnagiri District
(Crime No.183 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with Crime No.183 of
2022 on the file of the respondent.

For Petitioner : Mr.K.Thiruvengadam

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 17.10.2022, for the offences punishable under Sections 6(4) of TNSC
(RDCS) Order 1982 r/w 7(1) (a) (ii) of EC Act, 1955, in Crime No. 183 of
2022, on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 17.10.2022, the petitioner was found illegally transporting 4800 kgs. of PDS Rice worth Rs.27,120/-.

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 in judicial custody from 17.10.2022. However, without prejudice to his rights and defence, the petitioner is ready and willing to deposit a sum of Rs.27,000/- to any welfare scheme run by the Government as may be directed by this Court and hence, 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 the the petitioner illegally transported 4800 kgs. of PDS Rice worth Rs.27,120/- and that there are 3 previous cases pending 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 the voluntary submission made by the learned counsel for the petitioner 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 deposit a sum of **Rs.27,000/- (Rupees Twenty Seven Thousand only)** by way of **RTGS/NEFT as a non-refundable deposit to the credit of “District Revenue Officer, Krishnagiri District”**, without prejudice to his rights and contentions before the trial Court, on such deposit, 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.1, 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;



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[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;

[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.

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To

1. The Judicial Magistrate No.1,
Krishnagiri.
2. The Inspector of Police
CSCID Police Station
Krishnagiri District
3. The Superintendent,
Central Prison, Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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