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Crl.O.P.No.16469 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.16469 of 2023

Madin

...Petitioner

Vs.

State by:-

The Inspector of Police,
CSCID Police Station,
Krishnagiri District.
(Crime No.101 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.101 of 2023 on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2023 for the offences punishable under Sections 6(4) of TNSC (RDCS) Order 1982 read with 7(i)(a)(ii) of E.C. Act 1955 in Crime No.101 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an accused in Crime No.101 of 2023 for the offences under Sections 6(4) of TNSC (RDCS) Order 1982 read with 7(i)(a)(ii) of E.C. Act 1955. He further submitted that, petitioner is innocent and he is falsely implicated in this case. Petitioner is in judicial custody from 06.07.2023. Thus, he prays for grant of bail.

3. In reply, the learned Additional Public Prosecutor opposes this petition, on the ground that, on 05.07.2023, at about 07.15 p.m., when the police party were on their patrol duty near Naralapalli Junction, a vehicle bearing No.KA 08 2524 was found. Based on suspicion, the vehicle was stopped. At that time, the driver escaped from there. On search of the vehicle, it was found with 110 plastic sacks with each



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containing 50 Kgs of PDS Rice. The PDS rice and the vehicle was seized. The investigation in this case is pending. Hence, he opposed for grant of bail.

4. Considering the fact that the PDS rice and vehicle were seized and that, the petitioner is in judicial custody from 06.07.2023, this Court is inclined to grant bail to the petitioner and the petitioner is ordered to be released on bail on his executing a 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.

[b] the petitioner without prejudice to his defence shall deposit a non-refundable sum of **Rs.40,000/-** (Rupees Forty Thousand Only), by way of **Demand Draft** to the credit of **District Revenue Officer, concerned district** and that the receipt of such payment shall be produced before the concerned



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Magistrate at the time of executing the bond; It is made clear that merely, because the petitioner 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.

[c] the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner 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 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].



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

24.07.2023

mpl

To

1.The Judicial Magistrate No.I,
Krishnagiri.

2.The Sub Jail,
Krishnagiri.

3.The Inspector of Police,
CSCID Police Station,
Krishnagiri District.

4.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN. J.

mpl

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