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Crl.O.P.No.12451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12451 of 2024

Javith

...Petitioner/Accused No.1

Vs.

State by:-

The Inspector of Police,
CSCID Police Station,
Krishnagiri District
(Crime No.93/2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with Crime No.93 of
2024 on the file of the respondent police.

For Petitioner : Mr. P.M.Jayachandran

For Respondent : Mr. R.Vinoth Raja
Government Advocate (Crl.Side)

ORDER

The petitioner, 1st accused herein was arrested for the offence
punishable under Section 6 (4) of TNSC (RDCS) Order 1982 r//w 7(i) a (ii)



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of E.C. Act 1955 on 04.05.2024 and had been remanded to judicial custody on 04.05.2024 in Crime No.93 of 2024, registered on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner/1st accused was found in illegal possession of 1400 Kgs of PDS rice. Hence the case.

3. The learned counsel appearing for the petitioner would submit that 2nd accused has been granted anticipatory bail by this Court vide order dated 09.05.2024 in Crl.O.P.No.11681 of 2024. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the quantity of PDS rice which was attempted to be smuggled is 1400 kgs and the value of PDS rice is approximately Rs.7,900/- (Rupees Seven Thousand Nine Hundred Only). Hence, he vehemently opposed to grant bail to the petitioner.



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5. Heard the learned counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and considering the fact that 2nd accused has been granted anticipatory bail by this Court on 09.05.2024 in Crl.O.P.No.11681 of 2024, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the District Revenue Officer, Krishnagiri and 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. I, Krishnagiri and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



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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 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 absconds, a fresh FIR can be registered under Section 229A IPC .

23.05.2024

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Note:

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate No. I,
Krishnagiri
- 2.The Inspector of Police,
CSCID Police Station,
Krishnagiri District
3. The Sub Jail, Krishnagiri
4. The Public Prosecutor, High Court of Madras.



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C.SARAVANAN.,J.
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