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Crl.O.P.No.28272 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.28272 of 2023

1.Ramachandiran

2.Ramki

3.Sathish

... Petitioners

Vs.

The State represented by

The Inspector of Police,

CSCID- Krishnagiri.

Krishnagiri District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.208 of 2023 on the file
of the respondent.

For Petitioners : Mr.E.Kannadasan

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioners/A2 to A4, who were arrested and remanded to
judicial custody on 08.11.2023, for the offences registered under Sections



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6(4) of TNSC (RDCS) order 1982 r/w 7(i)(a)(ii) of EC Act, 1955, in Crime No.208 of 2023 on the file of the respondent Police, seek bail.

2.It is the case of the respondent that on a routine vehicle checkup they found a Lorry bearing Regn.No.TN-33-DP-1946 carrying 17,000 kgs of PDS Rice for public distribution.

3.It is stated that A2/the 1st petitioner has five previous cases, A4/the 3rd petitioner and A3/the 2nd petitioner both have four previous cases of same nature.

4. The earlier application for bail filed by the petitioner was dismissed by this Court on 28.11.2023 in Crl.O.P.No.26932 of 2023. On that date also, it was observed that A5 was absconding. A5 is still absconding. But one factor which has to be taken into consideration is the period of incarceration and the probability that the petitioner would be granted bail under Section 167(2) Cr.P.C. The charge sheet has not yet been filed.

5. Taking all these factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten



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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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c]the petitioners shall make a non-refundable deposit of Rs.15,000/- (Rupees Fifteen Thousand only) each to the credit of the Dean, Government General Hospital, Krishnagiri, for treatment of needy patients. The petitioner shall deposit the said amount on or before 24.01.2024.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

04.01.2024

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To

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



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C.V.KARTHIKEYAN, J.

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