



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/06/2020

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL.OP(MD).No.6464 of 2020

R.Vijayakumar

... Petitioner/
Accused Rank not known

Vs

The State rep. by
The Inspector of Police,
Civil Supplies CID,
Trichy.
(Crime No.77 of 2020).

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 77 of 2020 on the file of the respondent police

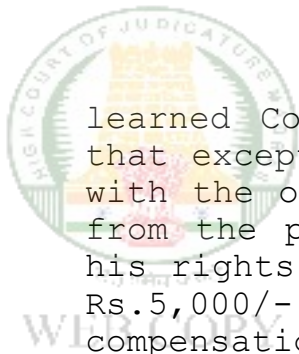
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed accused and arrested on 29.05.2020 and remanded to Judicial Custody on 30.05.2020, for the offences punishable under clause 6(4) of TNSC (RDCES) Order 1982 r/w 7(1)(a) (ii) of Essential Commodities Act 1955.

3. The case of the prosecution is that on 29.05.2020, a load auto bearing Reg.No.TN-65-K4880 was found in possession of 22 bags of rice (each contains 50 kg) and that the the petitioner, who is the driver of the said vehicle was arrested on the spot.

4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he would further submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. The



learned Counsel appearing for the petitioner would further submit that except, the petitioner drove the vehicle, he was nothing to do with the occurrence. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice to his rights and contentions, the petitioner is ready to pay a sum of Rs.5,000/- (Rupees Five Thousand Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Trichy Medical College Hospital, Trichy', for the purpose of providing facilities to the Health workers.

5. The learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that when the respondent police conducted vehicle check up, found the petitioner carrying 22 bags of rice (each contains 50 kg) in a load auto and arrested the petitioner. He would further submit that investigation is almost completed.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in judicial custody from 29.05.2020, I am inclined to grant bail to the petitioner, subject to certain conditions;

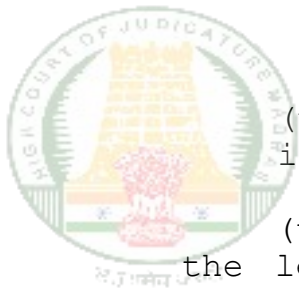
(i) Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy.

(ii) The petitioner is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand Only), by way of Demand Draft, in favour of 'The Dean, Trichy Medical College Hospital, Trichy', on or before 30.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(iii) 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;

(iv) The petitioner shall report before the respondent Police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required, for interrogation.

(v) The petitioner shall not tamper with evidence or witness either during investigation or trial;



(vi) The petitioner shall not abscond either during investigation or trial;

(vii) 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]**; and;

(viii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
TRICHY.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES CID, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO

THE DEAN
TRICHY MEDICAL COLLEGE HOSPITAL,
TRICHY

ORDER
IN
CRL OP(MD) No.6464 of 2020
Date :19/06/2020

CMR

<https://hcservices.ecourts.gov.in/hcservices/> 19.06.2020/ 3P/7C