



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7413 of 2020

1. Velmurugan
2. Karuppasamy

... Petitioners/Accused 2 & 3

Vs

State Rep.by
The Inspector of Police,
Civil Supplies C.I.D.,
Virudhunagar.
Crime No.81 of 2020

... Respondent/Complainant

For Petitioners : 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 :-

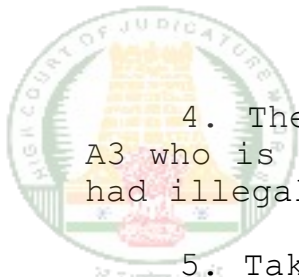
For Bail in Crime No.81 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein were arrested on 29.06.2020 for the alleged offences under Sections 6(2)(3)(4) of TNSC (RDCS) Order 1982 r/w.7(1)(a)(ii) Essential Commodities Act, 1955.

2. The petitioners herein are arrayed as A1 and A2. The case of the prosecution that A3 in this case with the help of A1 and A2 had illegally transported 1550 Kg of PDS rice.

3. The learned counsel for the petitioners would submit that the petitioners herein are owner and driver of lorry and they are no way connected with the alleged occurrence. He would also submit that the petitioners are in jail for nearly 16 days and hence they may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that A3 who is working in the Fair Price Shop with the help of A1 and A2 had illegally transported 1550kg of PDS rice.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioners herein are only owner and driver of lorry and also the fact that only A3 had loaded the PDS rice in the lorry and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police as and when required for interrogation.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) 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].

vi) If the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/07/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D., VIRUDHUNAGAR.
4. THE OFFICER INCHARGE, DISTRICT JAIL,
VIRUDHUNAGAR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7413 of 2020
Date :15/07/2020

MS/VR/SAR-3/15.07.2020/3P.6C