



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7661 of 2020

Theriselvam

... Petitioner/Accused No.2

Vs

The State Rep. by
The Inspector of Police,
CSCID Police Station,
Virudhunagar,
Virudhunagar District,
Cr.No. 76 of 2020.

... Respondent/Complainant

For Petitioner : M/s.J.Sankara Pandian,
Advocate.

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

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

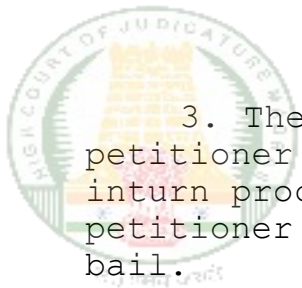
PRAYER :-

For Bail in Crime No. 76 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 24.06.2020 for the alleged offences under Sections 6(4) of TNSC(RDCS)Order 1982,r/w.Section 7(1)(a)(ii) of Essential Commodities Act.

2. The petitioner herein is arrayed as A2. The case of the prosecution is that the petitioner along with A1 who is the rice mill owner is said to have transported 3500kgs of PDS rice flower and 630 kg of PDS rice worth Rs.17,900/-



3. The learned counsel for the petitioner would submit that the petitioner has only collected rice from the card holders and A1 inturn processed the same and sold it. He would also submit that the petitioner is in jail for nearly 30 days. Hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioner along with A1 who is the rice mill owner is said to have transported 3500kgs of PDS rice flower and 630 kg of PDS rice worth Rs.17,900/- and A1 in this case is still absconding.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner herein only collected rice from the card holders and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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

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 petitioner shall report before the respondent police on every Monday at 10.30 a.m until further orders.

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

iv) the petitioner 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 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].

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

sd/-
23/07/2020

/ TRUE COPY /

/ /2020
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 SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER IN-CHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR DISTRICT.

ORDER
IN
CRL OP(MD) No.7661 of 2020
Date :23/07/2020

AAV
TE/PN/SAR-III : 23/07/2020 : 3P/6C