



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8278 of 2020

1. SARAVANAN
2. MURUGAVEL

... PETITIONERS/ACCUSED 1 & 3

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D.,
SIVAGANGAI,
CR.NO.63/2020.

... 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. 63 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners herein were arrested on 22.07.2020 for the alleged offences under Clause 6(2)(3)(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955.

2. The petitioners herein are arrayed as A1 & A-3 and totally there are three accused in this case and A-1 is the owner of the Rice mill and the A-3 is a temporary employee of the Fair price shop. The allegation is that all the accused said to have illegally transported 10,000 Kgms of PDS rice in the Mini van. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the



4. The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted both the petitioners were arrested on 22.07.2020. However, on instructions, he would further submit that the petitioners will voluntarily make a non refundable payment of Rs.5,000/- (Rupees Five Thousand Only) each totally to the tune of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of the Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040) without prejudice to his right in the criminal case.

5. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

6. Taking note of the above facts and circumstances of the case and also taking note that the first petitioner/A1 is the owner of the Rice Mill and the second petitioner/A-3 is a temporary employee of the Fair price shop and that the petitioners were arrested on 22.07.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. 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, Sivagangai.

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 are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each, totally to the tune of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of the Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040) without prejudice to his right in the criminal case.

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

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

v) the petitioners shall not abscond during trial.

vi) 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 were breached 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].

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

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/ /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,
SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CIVIL SUPPLIES C.I.D.,
SIVAGANGAI.
- 4 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ADVOCATE CLERK'S WELFARE ASSOCIATION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI-625 023.

ORDER
IN
CRL OP(MD) No.8278 of 2020
Date :07/08/2020

KSA
JM/JC/SAR 2/07.08.2020/3P/7C

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