



WEB COPY

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

Date : 12/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8341 of 2020

Karthikeyan, ... Petitioner/Sole Accused

Vs

State rep. By
The Sub-Inspector of Police,
Cscid Virudhunagar,
Virudhunagar District. (Crime No.92/2020).
... Respondent/Complainant

For Petitioner : M/s. V.Selvakumar,
Advocate.

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

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

PRAYER :-

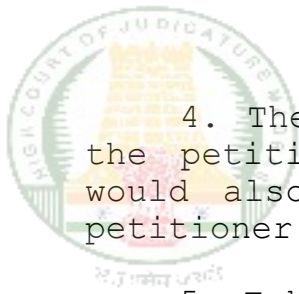
For Bail in Crime No.92/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 20.07.2020 for the alleged offence under Sections 6(4) of TNSC(RDCS) Order 1982 r/w.7(1)(a)(ii) of Essential Commodities Act,1955

2. The case of the prosecution is that the petitioner herein was illegally transporting 1050 kgs of PDS rice in his two wheeler.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that the petitioner is in jail for nearly 25 days.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner was illegally transporting 1050 kgs PDS rice. He would also submit that no previous case is pending against the petitioner and the vehicle was also seized by the respondent police.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact no previous case is pending against the petitioner and the vehicle was also seized by the respondent police, 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

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 as and when required for interrogation.

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/-
12/08/2020

/ TRUE COPY /

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

AAV



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 Sriviliputhur.
3. The Superintendent, District Jail, Virudhunagar
4. The Sub-Inspector of Police,
CSCID Virudhunagar, Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.8341 of 2020
Date : 12/08/2020

TR/VR/SAR-II(12.08.2020) 3P 6C