



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9550 of 2020

Selvam

... Petitioner/Sole Accused

Vs

The State Rep. by
The Sub Inspector of Police,
CSCID Police Station,
in Cr.No.145 of 2020,
Tirunelveli District.

... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar,
Advocate.

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

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

PRAYER :-

For a Bail in Crime No.145 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to judicial custody on 21.08.2020 for the alleged offences under Sections 6(4) of TNSC(RDCS) Order 1982 r/w.7(i)(a)(ii) of Essential Commodities Act,1955.

2. The case of the prosecution is that the petitioner herein was illegally transporting 2000 kgs of PDS rice.

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 herein said to have collected PDS rice from the card holders. He would also submit that the petitioner is in jail for nearly 20 days.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner was illegally transporting 2000 kgs PDS rice. He would also submit that no previous case is pending against the petitioner.

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 , 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tirunelveli.

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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Mercy Home, Naserathur, Shogathur, Cross Road, Dharmapuri (Indian Overseas Bank Saving Account No.078501000013868, IFSC Code: IOBA0000185 - Phone No.043242- 281342/261429, Cell.9894952760) within a period of one week without prejudice to his rights and contentions before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner

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

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

v) the petitioner 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 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].

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

sd/-

10/09/2020

/ TRUE COPY /

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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.II, TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.
4. THE SUB INSPECTOR OF POLICE,
CSCID POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER IN-CHARGE,
MERCY HOME, NASERATHUR,
SHOGATHUR, CROSS ROAD,
DHARMAPURI.

ORDER
IN
CRL OP(MD) No.9550 of 2020
Date :10/09/2020

AAV
TE/AKM/SAR-III : 10/09/2020 : 3P/7C