



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10642 of 2020

G.Ramesh

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Civil Supplies (CID) Wing,
Madurai Police Station,
Trichy District.
Crime No.149 of 2020.

... Respondent/Complainant

For Petitioner : M/s.K.P.Ramesh,
Advocate.

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

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

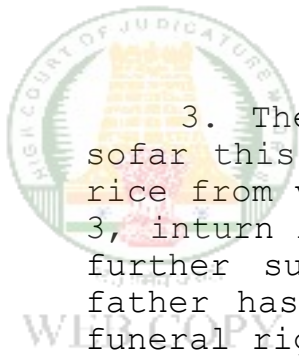
PRAYER :-

For Bail in Crime No.149 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein/a-1 was arrested and remanded to judicial custody on 30.08.2020 for the alleged offences under Sections 6(4) TNSP (RCDS) Order 1982 r/w Section 7(1) (a)(ii) of Essential Commodities Act.

2. The case of the prosecution is that the petitioner is arrayed as A-1. The petitioner along with other accused were illegally transported 70 bags of PDS rice each contains 50Kgs. At the time, the respondent police on information seized the lorry and PDS rice. Based on a confession statement of the petitioner, he has collected PDS rice from the various family card holders around the resident of Thiruvani Koil. Hence the complaint.



3. The learned counsel for the petitioner would submit that, sofar this petitioner is concerned the petitioner has collected PDS rice from various family card holders and handed over the same to A-3, inturn A-3 has transported the same to the other State. He would further submit that, today, i.e., on 29.09.2020 the petitioner's father has expired and seeks bail to the petitioner for doing his funeral rights and cremation.

4. The learned Government Advocate (crl. Side) appearing for the respondent police would submit that the petitioner is A-1 and he has purchased PDS rice from various family card holders and handed over the same to A-3, inturn A-3 transported the same to the other State.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that only the petitioner has collected PDS rice from the various card holders and ultimately, A-3 has transported the same to the other State and also considering the fact that the period of incarceration and the petitioner's father has expired today i.e., on 29.09.2020 and he has to perform the ceremonies to his father, hence, 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 own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the Superintendent, Central Prison, Tiruchirapalli District.

i) thereafter coming out on bail, within a period of Four weeks the petitioner is directed to surrender before the learned Judicial Magistrate No.VI, Thiruchirapalli District and 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 Magistrate concerned and on further condition that,

(ii) 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

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/-
29/09/2020

WEB COPY

/ 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 VI,
TIRUCHIRAPALLI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
CIVIL SUPPLIES (CID) WING,
MADURAI POLICE STATION,
TRICHY DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHIRAPALLI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10642 of 2020
Date :29/09/2020

KSA
TK/VR/SAR.4/29.09.2020/3P/6C