



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10636 of 2020

Raja

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Civil Supplies C.I.D,
Trichy.
(Crime No.149 of 2020).

... Respondent/Complainant

For Petitioner : M/s. G.D.Manikandan,
Advocate.

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

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

PRAYER :-

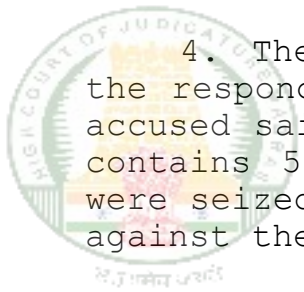
For Bail in Crime No.149 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 was arrested and remanded to judicial custody on 30.08.2020 for the alleged offences under Sections 6(4) TNSC (RCDS) Order 1982 r/w Section 7(1) (a)(ii) of Essential Commodities Act.

2. The case of the prosecution is that the petitioner along with other accused said to have illegally transported 70 bags of PDS rice each contains 50Kgs. At the time, the respondent police on information seized the lorry and PDS rice. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that co-accused in this case namely A1 was released on bail by this Court.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that petitioner along with other accused said to have illegally transported 70 bags of PDS rice each contains 50Kgs. He would also submit that the entire contraband were seized by the respondent police and 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 that the contraband has been seized and also taking note of the fact that no previous case is pending against the petitioner 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.VI, Trichy

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

sd/-

01/10/2020

/ 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.IV,
TRICHY.

2 THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D, TRICHY.

5 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10636 of 2020

Date :01/10/2020

AAV

SDS/RSK/SAR-2 (01.10.2020) 3P-6C