



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10764 of 2020

Vaiyapuri

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thanjavur CSCID Police Station,
Thanjavur District.
Crime No.116/2020

... Respondent/Complainant

For Petitioner : M/s.A.Azhageson,
Advocate.

For Respondent : Mr.R.Erottusamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 116 of 2020 on the file of the Respondent Police.

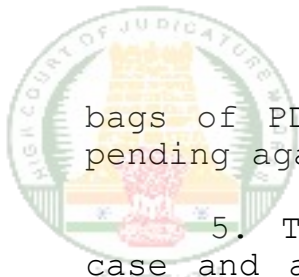
ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to Judicial Custody on 15.09.2020 for the offences punishable under Section 7(1) (a)(ii) of Essential Commodities Act,1982 r/w 6(4) of TNSC(RDCS) Order 1982.

2.There are totally five accused in this case and the petitioner herein is arrayed as A2. The case of the prosecution is that the petitioner was found in illegal possession of 108 bags of PDS rice.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that A3 to A5 in this case were granted anticipatory bail by this Court.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner along with other accused said to have transported 108



bags of PDS rice. He would also submit that one previous case is pending against the petitioner of similar nature.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner herein only collected rice from the card holders and also taking into consideration the period of incarceration and also the fact that A3 to A5 were granted anticipatory bail by this Court, 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur

[a] 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;

[b] the petitioner is directed to contribute 25 bags of branded ponni rice (each 50 Kg) to Rojavanam, Home for Aged and Poor, Madurai without prejudice to his defence before the trial Court and on such contribution being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioner

[b] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
05/10/2020

/ 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.II, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, THANJAVUR.
4. THE INSPECTOR OF POLICE,
THANJAVUR CSCID POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

COPY TO:
THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR AGED AND POOR,
MADURAI.

ORDER
IN
CRL OP(MD) No.10764 of 2020
Date :05/10/2020

MS/VR/SAR-3/05.10.2020/3P.7C