



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

Date : 02/11/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP (MD)Nos.12174,12176 and 12177 of 2020

S.Panneswaran @ Pandeewaran

... Petitioner/Accused No.1
in all petitions

Vs

State Rep. by
The Sub Inspector of Police,
Uthamapalayam CSCID Wing,
Uthamapalayam,
Theni District,

... Respondent/Complainant in all petitions

In Crime No.106/2019

... in CRL OP(MD) No.12174 of 2020

In Crime No.8/2020

... in CRL OP(MD) No.12176 of 2020

In Crime No.203/2019

... in CRL OP(MD) No.12177 of 2020

(In all petitions)

For Petitioner : M/s.K.Prabakaran,
Advocate.

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

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

COMMON PRAYER :-

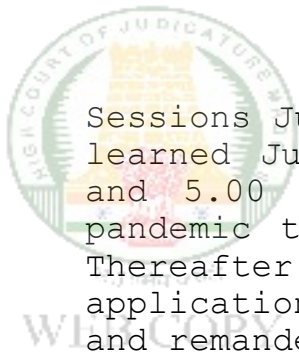
For a Bail in Crime Nos. 106 of 2019, 8 of 2020 and 203 of 2019
on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner/accused in all the cases herein was arrested and
remanded to Judicial Custody on 01.10.2020 for the offences
punishable under Section 6(4) of TNSC(RDCS)r/w. Section 7(1)(a)(ii)
of Essential Commodities Act.

2. The case of the prosecution is that the petitioner was found
in illegal possession of PDS rice.

3. The learned counsel for the petitioner would submit that
the petitioner was granted bail by the learned Principal



Sessions Judge, Theni with a condition to stay and report before the learned Judicial Magistrate No.I, Thiruvallur daily at 10.30 am., and 5.00 p.m., until further order. Thereafter due to covid-19 pandemic the petitioner was unable to comply with the conditions. Thereafter the Principal Sessions Judge, has taken *suo motu* application and cancelled the bail and then arrested the petitioner and remanded to judicial custody.

4.The learned Government Advocate(Crl.Side) would submit that petitioner was found in illegal possession of PDS rice. He would also submit that initially bail was granted to the petitioner with a condition to stay and report before the learned Judicial Magistrate No.I, Thiruvallur daily at 10.30 am., and 5.00 p.m., until further order. Thereafter due to covid-19 pandemic the petitioner was unable to comply with the conditions. Thereafter the Principal Sessions Judge, has taken *suo motu* application and cancelled the bail and then arrested the petitioner and remanded to judicial custody.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the entire quantity of rice has been seized, this Court is inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions

[a] the petitioner is directed to contribute 10 bags of branded ponni rice in each cases(each 50 Kg, totally 30 bags) to Rojavanam, Home for Aged and Poor,Madurai without prejudice to his defence before the trial Court

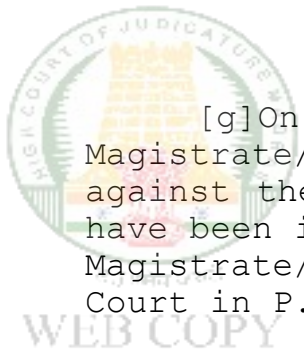
[b] On such contribution being made,the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two blood related sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Theni

[c] 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;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

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



[g]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].

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

sd/-

02/11/2020

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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 PRINCIPAL SESSIONS JUDGE, THENI.
- 2 THE SUB INSPECTOR OF POLICE,
UTHAMAPALAYAM CSCID WING,
UTHAMAPALAYAM, THENI DISTRICT.
- 3 THE OFFICER INCHARGE,
CENTRAL JAIL, DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.PRABAKARAN Advocate SR.No.20870

COPY TO:

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

ORDER

IN

CRL OP(MD)Nos.12174,
12176 and 12177 of 2020

Date :02/11/2020

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JM/VR/SAR III/02.11.2020/3P/7C

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