



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/11/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.13341 of 2020

Saravanan

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Civil Supplies C.I.D,
Madurai.
Crime No.133 of 2020.

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate.

For Respondent : M/s.M.Anandha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.133 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to Judicial Custody on 15.10.2020 for the offences punishable under Clause 6(2) (3) (4) of TNSC(RDCS) Order 1982 r/w Section 7(1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.133 of 2020 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner was found in illegal possession of 60 bags of PDS rice (each contains 50 kgs).

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. Hence, he seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent Police submitted that the petitioner was found in illegal possession of 60 bags of PDS rice (each contains 50 kgs). He further submitted that there is one previous case pending against the petitioner of similar in nature.



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 20 bags of branded ponni rice (each contains 50 Kg) to Annai Sathya Ammaiyar Memorial Government Children Home, Opposite to Corporation Swimming Pool, Dr.Thangaraja Salai, 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Madurai;

[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 for a period of four weeks and thereafter as and when required for interrogation.

[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/-
24/11/2020

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE No.III, MADURAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D, MADURAI.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ANNAI SATHYA AMMAIYAR MEMORIAL GOVERNMENT CHILDREN HOME,
OPPOSITE TO CORPORATION SWIMMING POOL,
DR.THANGARAJA SALAI, MADURAI.

ORDER
IN
CRL OP(MD) No.13341 of 2020
Date :24/11/2020

vsg
TK/VR/SAR.3/24.11.2020/3P/7C