



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

Date : 02/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.13773 of 2020

R.Sundaramoorthi

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
CSCID Police Station,
Virudhunagar,
Virudhunagar District.
Crime No.141 of 2020.

... Respondent/Complainant

For Petitioner : M/s.J.Sankara Pandian,
Advocate.

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

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

PRAYER :- For Bail in Crime No.141 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein was arrested and remanded to Judicial Custody on 15.10.2020 for the offences punishable under Section 6(4) of TNSC(RDCS) Order 1982, r/w Section 7(i)(a)(ii) of Essential Commodities Act.

2.The case of the prosecution is that the petitioner herein was found in illegal possession of 22 bags of PDS rice.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was found in illegal possession of 22 bags of PDS rice. She would also submit that the petitioner is having four previous cases, which are similar in nature.



5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner by imposing conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar, Virudhunagar District.

[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 shall appear before the respondent police every day twice morning at 10.00 am., and evening at 06.00 pm., for a period of six weeks and thereafter, the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of four 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/-
02/12/2020

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/ /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, remains the responsibility of the advocate/litigant concerned.

<https://hcservices.echm.gov.in/hcservices>



TO

1. THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
VIRUDHUNAGAR DISTRICT.
4. THE INSPECTOR OF POLICE, CSCID POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13773 of 2020
Date :02/12/2020

MS/PN/SAR-3/02.12.2020/3P.6C