



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.14599 of 2020

1. S.Paramasivam
2. D.Prabu

... Petitioners/Accused 1&2

Vs

The State rep. by
The Inspector of Police,
CSCID Police Station,
Trichy District.
Crime No.218 of 2020.

... Respondent/Complainant

For Petitioners: M/s.R.Sevugaraja, Advocate.

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

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

PRAYER :- For Bail in Crime No.218 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein was arrested and remanded to Judicial Custody on 20.11.2020 for the offences punishable under Sections 6(4) of Scheduled Commodities(RDCS) Order 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities Act,1955.

2. The case of the prosecution is that the petitioners were found in illegal possession of 1800 Kgs of PDS rice.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He would also submit that the PDS rice was recovered

4.The learned Government Advocate(Criminal Side) would submit that petitioner was found in illegal possession of 1800 Kgs of PDS rice.

5. Taking note of the above facts and circumstances of the case

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and also taking note of the fact that rice was recovered and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions

[a] the petitioners are directed to contribute 10 bags of branded ponni rice (each 50 Kg), to the Anbagam, Manavalarchi Kundriyoor Sirapupalli, Ramaond Reserve Line, Near Thamaraibthotti, Race Course Colony, Madurai without prejudice to his defence before the trial Court

[b] On such contribution being made, the petitioners 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.VI, Tiruchirapalli, Trichy District

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

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

[f] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
11/12/2020

/ 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.VI,
TIRUCHIRAPPALLI,
TRICHY DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER IN CHARGE,
ANBAGAM,
MANAVALARCHI KUNDRIYOR SIRAPUPALLI,
RAMAOND RESERVE LINE,
NEAR THAMARIBTHOTTI, RACE COURSE COLONY,
MADURAI.

ORDER
IN
CRL OP(MD) No.14599 of 2020
Date :11/12/2020

AAV
SRS/VR/SAR-III/14.12.2020/3P/7C