



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2020

PRESENT

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

CRL OP(MD). No.14696 of 2020

Velmurugan

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
CSCID Police Station,
Tirunelveli,
Crime No. 193/2020.

... Respondent/Complainant

For Petitioner : M/s.S.Sivakumar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 193/2020 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 25.11.2020 for the offences punishable under Sections 6(4) of TNSC(RDCS) Order 1982 r/w. Section 7(1)(a)(ii) of Essential Commodities Act,1955.

2. The case of the prosecution is that the petitioner was found in illegal possession of 12240 Kgs 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 the PDS rice was recovered

4. The learned Government Advocate(Crl.Side) would submit that the petitioner was found in illegal possession of 12240 Kgs of PDS rice and the same was recovered.



5. Taking note of the above facts and circumstances of the case 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 petitioner subject to the following conditions:

7. 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 (each 50 Kg), to the Annai Jothi Seva Trust, No.2/454 Main Road, Adayakarungulam- 627 425, Ambasamudram Taluk, Tirunelveli District 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Tirunelveli

[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.

[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/-

14/12/2020

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

COPY TO:-

THE OFFICER INCHARGE,
ANNAI JOTHI SEVA TRUST,
No.2/454, MAIN ROAD,
ADAYAKARUNGULAM - 627 425,
AMBASAMUDRAM TALUK,
TIRUNELVELI DISTRICT.

ORDER
IN
CRL OP(MD) No.14696 of 2020
Date :14/12/2020

AAV
TE/PN/SAR-III : 14/12/2020 : 3P/7C