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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.17515 and 19419 of 2021

Raja @ Manoharan ... Petitioner in Crl.O.P.17515/2021

Ramalingam ... Petitioner in Crl.O.P.19419/2021

Vs.

State rep. by
Inspector of Police,
Mandharakuppam Police Station,
Cuddalore District.
(Crime No.362 of 2021) ... Respondent in Crl.O.P.17515/2021

The Inspector of Police,
Mandharakuppam Police Station,
Neyveli, Cuddalore - 607 801
(Crime No.362 of 2021) ... Respondent in Crl.O.P.19419/2021

Common Prayer:

Petitions filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail in Crime No.362 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.P.Muthamizh Selvakumar
in Crl.O.P.No.17515 of 2021

Mr.A.Arasu Ganeshan
in Crl.O.P.No.19419 of 2021

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)
in both Crl.O.Ps.



COMMON ORDER

The petitioner in Crl.O.P.No.17515 of 2021 who was remanded to judicial custody on 24.08.2021 and the petitioner in Crl.O.P.No.19419 of 2021 who was arrested on 26.09.2021 for the offence under Sections 406, 420, 379 and 506(1) of I.P.C. in Crime No.362 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners along with the other accused are alleged to have stolen 200 bags of paddy from the Government Godown in Chepplanatham Village.

3.Initially the defacto complainant informed the Regional Manager, Tamil Nadu Civil Supplies Corporation, Cuddalore District, however, no action was taken on the accused. Hence, this Court directed the Regional Manager to appear before this Court on 27.09.2021. As per the order of this Court, the Regional Manager, Cuddalore District appeared before this Court on 27.09.2021 and denied the theft of paddy from the Government Godown. Hence, on 27.09.2021, this Court directed the District Collector, Cuddalore to enquire into the matter and to file a report before this Court.

4.The District Collector, Cuddalore District, has enquired into the matter and has filed a report, dated 19.10.2021, before this Court, wherein, the District Collector has confirmed the theft of paddy from the Government Godown in Chepplanatham Village and has also recommended to initiate departmental action against the erred Officials.

5.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioners without prejudice to their rights, are ready to deposit a sum of Rs.1 Lakh (each Rs.50,000/-) before the Managing Director, Tamil Nadu Civil Supplies Corporation, Cuddalore District to appropriate the loss caused to the Government.

6.The learned counsel appearing for the petitioner in Crl.O.P.No.19419 of 2021 further submitted that the petitioner in the said petition is now confined in Central Prison, Cuddalore, however, in the petition it is mentioned as Sub-Jail, Villupuram.

7.Heard the submissions made by the learned Government Advocate (Criminal Side).

8.Considering the period of incarceration undergone by the petitioners and the fact that the petitioners have come forward to deposit a sum of Rs.1 Lakh (each Rs.50,000/-) before the Managing Director, Tamil Nadu Civil Supplies Corporation, Cuddalore District,



to appropriate the loss caused to the Government and the fact that the District Collector, Cuddalore District has recommended to initiate departmental action against the erred Officials, I am inclined to grant bail to the petitioners.

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9. Accordingly, the petitioner in CrI.O.P.No.17515 of 2021 is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Munsif Cum Judicial Magistrate Court, Neyveli; the petitioner in CrI.O.P.No.19419 of 2021 is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Neyveli; and on further condition that:

(a) the petitioners shall deposit a sum of Rs.1,00,000 (each Rs.50,000/-) (Rupees One Lakh Only) through demand draft drawn in favour of the Managing Director, Tamil Nadu Civil Supplies Corporation, Cuddalore District. The challan/ receipt of such payment shall be produced at the time of executing the bond.

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police, daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
21/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT, NEYVELI.

2 THE JUDICIAL MAGISTRATE,
NEYVELI.

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

4 THE INSPECTOR OF POLICE,
MANDHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

5 THE INSPECTOR OF POLICE,
MANDHARAKUPPAM POLICE STATION,
NEYVELI, CUDDALORE-607 801.

6 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

7 THE OFFICER INCHARGE
SUB-JAIL, VILLUPURAM.

8 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

9 THE MANAGING DIRECTOR,
TAMILNADU CIVIL SUPPLIES CORPORATION,
CUDDALORE DISTRICT.



10 THE DISTRICT COLLECTOR
CUDDALORE

11 THE REGIONAL MANAGER,
CUDDALORE DISTRICT.

+2 CC to MR.A.ARASU GANESHAN, Advocate on payment of necessary
charges SR.NOS.11516, 11541

CRL OP.17515/2021

Date :21/10/2021

JPA 22/10/2021