



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

Date : 15/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.854 of 2021

Kaliraj ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
CSCID-Virudhunagar,
Virudhunagar District.
Crime No.170 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.170 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested and remanded to judicial custody on 09.12.2020 for the alleged offence under Section 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, in Crime No.170 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 4800 kgs of PDS rice.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the entire contraband was seized by the police.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that petitioner was found in illegal possession of 4800 kgs of PDS rice. He would also submit that the entire contraband was seized by the respondent police and there are



four previous cases pending against the petitioner of similar in nature. He would also submit that there is a proposal for detaining the petitioner under the Goondas Act. Hence, he opposed the bail petition.

6. Taking into consideration the 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.

7. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

[a] the petitioner shall contribute 8 bags of branded ponni rice (Each containing 50kgs) to the Nesa Karangal Child Care, Caldwell Colony, Thoothukudi and 8 bags of branded ponni rice (Each containing 50kgs) to Emperor Womens Care, Bryant Nagar, 1st Street, Thoothukudi, and 8 bags of branded Ponni rice (Each Containing 50 kgs) to New Nesa Karangal, TMB Colony, Thoothukudi and 8 bags of branded Ponni rice (Each Containing 50 kgs) to Basa Karangal Elders Home, Masilamani Puram, 3rd Street, Thoothukudi, without prejudice to his rights and contentions before the trial Court and on such contribution being made, the learned Magistrate shall accept the sureties furnished by the petitioner.

[b] On acknowledgment of the same by the above orphanages, the petitioner 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 Judicial Magistrate Court No.I, Virudhunagar.

[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 two 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



[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/02/2021

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/ /2021

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.I, VIRUDHUNAGAR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
CSCID-VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1.THE OFFICER INCHARGE,
NESA KARANGAL CHILD CARE, CALDWELL COLONY, THOOTHUKUDI.
- 2.THE OFFICER INCHARGE
EMPEROR WOMENS CARE, BRYANT NAGAR 1ST STREET, THOOTHUKUDI
- 3.THE OFFICER INCHARGE
NEW NESA KARANGAL, TMB COLONY, THOOTHUKUDI.
- 4.THE OFFICER INCHARGE
BASA KARANGAL ELDERS HOME, MASILAMANI PURAM,
3RD STREET, THOOTHUKUDI.

ORDER IN
CRL OP(MD) No.854 of 2021
Date :15/02/2021

VSG

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