



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

Date : 11/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2143 of 2021

Dony Thomas

... Petitioner/Accused, A-1

Vs

State Rep.by
The Inspector of Police,
Civil Supplies Criminal
Investigation Department (CSCID) Police station,
Trichy.
(Crime No.23 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Dinesh Hari Sudarsan,
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.23 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 herein who was arrested and remanded to judicial custody on 22.01.2021 for the alleged offence under Clause 6(4) of TNSC (RDCS) Order 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955, 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 4645 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



5.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that petitioner was found in illegal possession of 4645 kgs of PDS rice. He would also submit that the entire contraband was seized by the respondent police.

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6.Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the entire contraband was seized by the respondent police , 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 11 bags of branded ponni rice (Each containing 50kgs) to the Kangaru Karunail Illam, Edamalaippattipudur, Trichy and 11 bags of branded ponni rice (Each containing 50kgs) to Annai Ashiramam, Wireless road, Airport, Trichy, and 11 bags of branded ponni rice (Each containing 50 Kgs) to the Vidivellli Children for Special Home, Bypass road, Trichy 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, 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 learned Judicial Magistrate No.VI, Trichy.

[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 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/-
11/02/2021

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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.VI, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE, CIVIL SUPPLIES CRIMINAL,
INVESTIGATION DEPARTMENT (CSCID) POLICE STATION,
TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE OFFICER INCHARGE,
KANGARU KARUNAIL ILLAM,
EDAMALAIPPATTIPUDUR, TRICHY.
- 2 THE OFFICER INCHARGE,
ANNAI ASHIRAMAM, WIRELESS ROAD,
AIRPORT, TRICHY.
- 3 THE OFFICER INCHARGE,
VIDIVELLLI CHILDREN FOR SPECIAL HOME,
BYPASS ROAD, TRICHY.

ORDER
IN
CRL OP(MD) No.2143 of 2021
Date :11/02/2021

AAV

<https://hmcvtce.org.in/cse/cse/2021/3P.9C>