



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4356 of 2021

1.Veeraperumal

2.Chandrasekar

... Petitioners/Accused
1 and 2

Vs

The State rep.by
The Inspector of Police,
Civil Supplies C.I.D.
Virudhunagar District.
Crime No.29/2021.

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar,
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. 29/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein who were arrested and remanded to judicial custody on 26.02.2021 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 petitioners were found in illegal possession of 30 bags of PDS rice.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that the entire contraband was seized by the police.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that petitioners were found in illegal possession of 30 bags of PDS rice. He would also submit that the entire contraband was seized by the respondent police.

5.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 petitioners by imposing conditions.

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

[a] the petitioners shall contribute 10 bags of branded ponni rice (Each containing 50kgs) to the Akash Age Care Home (Run by Madurai Charitable Trust)2/428, Sasthri Nagar, Kadachanenthall to Othakadai Road, Madurai- 625 107, Tamil Nadu, Mobile No.9976096138, 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 petitioners.

[b] On acknowledgment of the same, 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.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 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.

[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/-
22/03/2021

/ TRUE COPY /

WEB COPY

/ /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,
CIVIL SUPPLIES C.I.D.
VIRUDHUNAGAR DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE
THE AKASH AGE CARE HOME (RUN BY MADURAI CHARITABLE TRUST)
2/428, SASTHRI NAGAR,
KADACHANENTHAL TO OTHAKADAI ROAD,
MADURAI- 625 107, TAMIL NADU.
MOBILE NO.9976096138

ORDER
IN
CRL OP(MD) No.4356 of 2021
Date :22/03/2021

AAV
TK/PN/SAR.3/22.03.2021/3P/7C