



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

Date : 29/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14630 of 2021

1.Satheeshkumar
2.Muthaiah
3.Mareeswaran

... Petitioners/Accused Nos.1 to 3

Vs

The State Rep.by
The Inspector of Police,
Civil Supplies C.I.D,
Virudhunagar.
(Crime No.109 of 2021)

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 109 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested on 21.08.2021 for the offence under Clause 6(4) of TNSC (RDCS) Order, 1982 r/w 7(1) (a) (ii) of Essential Commodities Act, 1955, in Crime.No.109 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the accused persons have illegally hoarded 650 bags (each contains 50 kgs) of PDS rice. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, they are in jail from 21.08.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that 34,335 kgs of PDS rice were illegally hoarded by the first petitioner, who is the rice merchant



of Virudhunagar. The second petitioner is a load man and the third petitioner is a driver. He would further submit that the investigation is yet to be completed.

5. Since the PDS rice has been stored in the godown of the first petitioner, he is responsible for the same. Considering the nature of offence committed by the first petitioner/A1, this Court is not inclined to grant bail to the first petitioner/A1. Accordingly, this Criminal Original Petition is dismissed as against the first petitioner/A1.

6. However, considering the fact that the second petitioner/A2 is the load man and the third petitioner/A3 is the driver and also considering the the period of incarceration, this Court is inclined to grant bail to the petitioners 2 and 3 /A2 and A3.

7. Accordingly, this Criminal Original Petition is allowed in respect of the petitioners 2 and 3 /A2 and A3 and they are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar District and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners 2 and 3 /A2 and A3 shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioners 2 and 3 /A2 and A3 shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 /A2 and A3 shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 /A2 and A3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 /A2 and A3 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.



8. Accordingly, this Criminal Original Petition is partly allowed.

sd/-
29/09/2021

/ TRUE COPY /

/ /2021

WEB COPY

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 SRIVILIPUTTUR.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
CIVIL SUPPLIES C.I.D,
VIRUDHUNAGAR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14630 of 2021
Date : 29/09/2021

MSA
MS/PN/SAR-1/29.09.2021/3P.6C