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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD)No.15950 of 2021

Vignesh ...Petitioner/Accused No.3

Vs

The state represented by
The Sub Inspector of Police,
Civil Supplies Criminal
Investigation Department,
Virudhunagar District.
Cr.No. 122 of 2021. ...Respondent/Complainant

For Petitioner : Mr.S.Sukumar,
Advocate.

For Respondent : E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

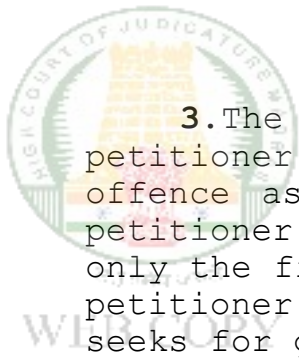
PRAYER :-

For Bail in Crime No.122 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 07.09.2021 for the offence punishable under Sections 6(4) of the Tamil Nadu Scheduled Commodities (RDCS) Order, 1982 and Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.122 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.09.2021, when the respondent police along with police personnel was in raid in a flour mill belongs to the first accused, they found 319 white plastic bags weighing 50 kgs each, totalling 15250 kgs of boiled PDS rice, 8250 kgs of Kurunai rice and 1160 kgs of PDS wheat and they have also seen three vehicles using for transportation. Hence, the complaint.



3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that petitioner is only the lorry driver and the flour mill belongs to only the first accused and the petitioner has no previous case. The petitioner is in judicial custody for the past 33 days and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the first, second, fourth accused were arrested and fifth accused is absconding. He would further submit that the worth of the confiscated rice and wheat is of Rs.1,54,000/- and the petitioner has been arrested and remanded to judicial custody on 07.09.2021 and the investigation in this case is pending.

5.Considering the facts and circumstances of the case, the fact that the petitioner has no previous case, the petitioner is only the driver of the lorry and the confiscated rice and wheat was seized only from the mill and not from the lorry and also the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Virudhunagar and on further conditions 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 am., for a period of thirty (30) days and thereafter, as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 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]**; and



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

sd/-
12/10/2021

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/ /2021

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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 DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
 - 4 THE SUB INSPECTOR OF POLICE
CIVIL SUPPLIES CRIMINAL INVESTIGATION DEPARTMENT,
VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.SUKUMAR, Advocate SR.No.7210

ORDER
IN
CRL OP(MD) No.15950 of 2021
Date :12/10/2021

SM/GBG
SS/PN/SAR-II/12.10.2021 : 3P/7C