



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16729 of 2021

R.Raja

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
CSCID Trichy Police Station
Trichy
Crime.No.185 of 2021.

... Respondent

For Petitioner : Mr.P.THINESH,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.185 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 02.10.2021 for the offence under Section 6(4) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 r/w 7(1)(a)(ii) of Tamil Nadu Scheduled Commodities Act, 1982 and Essential Commodities Act, 1955, in Crime No.185 of 2021 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 650 kgs of ration rice and 950 kgs of broken rice. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not indulged in any kind of offence as alleged by the prosecution. However, to show his *bona fide*, he is prepared to pay a sum of Rs.55,000/- to any organization as directed by this Court. He would further submit that the petitioner is inside the prison from 02.10.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is yet to be completed. He would further submit that the petitioner is having one previous case of similar in nature.

5.Considering the facts and circumstances of the case, the antecedent of the petitioner, his willingness to pay a sum of Rs.55,000/- and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed on condition that **the petitioner shall pay a sum of Rs.55,000/- (Rupees fifty five thousand only) in favour of the Rajaji Home for the aged, Indian Overseas Bank, Account No.134001000004086, IFSC Code: IOBA0001340, Visalakshipuram Branch**, without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate No.VI, Trichy.

7.On production of receipt / acknowledgement for having paid the amount before the Rajaji Home for the Aged, 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 for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy on further conditions that:

[a] the sureties shall affix their photograph 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 petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner 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 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]**;

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

sd/-
29/10/2021

/ TRUE 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.VI
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE,
CSCID TRICHY POLICE STATION
TRICHY
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

MR.C.RAMACHANDRAN
SECRETARY OF RAJAJI HOME FOR THE AGED
VISWANATHAPURAM, MADURAI-17.

ORDER

IN

CRL OP(MD) No.16729 of 2021
Date :29/10/2021

SA/PN/SAR.2/29.10.2021/3P/7C