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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.818 of 2022

Somasundaram

...Petitioner

Vs.

The State rep. by
Inspector of Police,
Civil Supply CID,
Nagapattinam District.
(Crime No.183 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.183 of 2021 on the file of the respondent police, Civil Supply CID, Nagapattinam District and thus renders justice.

For Petitioner : Mr. Swamisubramanian

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.12.2021 for the offences under Section 6(2) 6(3) of TNSC (RDCS) order 1982 r/w 7(1) a (ii) of Essential Commodities Act 1955 in Crime No.183 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 12.12.2021, while the respondent was on a regular, the respondent had found that the petitioner was in illegal possession of 330 gunny bags (each weighing about 50 kgs) of PDS rice which are meant for public distribution. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration from 17.12.2021. However, on instructions, he submits that the petitioner is ready and willing to



pay a sum of Rs.20,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner was in illegal possession of 330 gunny bags of rice each weigh about 50 kgs in his lorry. He further submits the investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner has willfully and on her own volition agreed to contribute a sum of Rs.20,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty thousand only) to the Registered Advocate Clerks Association, Nagapattinam District and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.I, Nagapattinam, Nagapattinam District within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police on every Tuesday at 10.30 a.m. until further orders;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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]; and;



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
12/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM, NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
NAGAPATTINAM DISTRICT,

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATE
CLERKS ASSOCIATION, NAGAPATTINAM DISTRICT.

CC to M/S. SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.818/2022

Date :12/01/2022

RW 19/01/2022