



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Crl.O.P.No.1494 of 2022

U.Purushothaman

... Petitioner

Vs.

State rep by,
The Station House Officer,
CSCID, Cuddalore Police Station,
Cuddalore.
(Crime No.267 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.267 of 2021 pending on the file of the Respondent Police.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 26.12.2021 for the offences under Sections 6 (4) of TN Scheduled Commodities (RDCS) Order 1982 r/w Sec. 7(1) (a) (ii) of Essential Commodities Act, 1995, in Crime No.267 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that 26.12.2021 when the respondent police officials were on their regular patrol duty, found the vehicle bearing Reg. No.AP 26TT 0599 was in possession of 460 bags of PDS rice worth about Rs.1,29,950/- by the petitioner without any permission or license from the State Government. Hence this case.



3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that he has been suffering incarceration for more than 25 days from 26.12.2021. Further, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.50,000/- to any Charitable Institute without prejudice to his rights and contentions as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that petitioner was found in illegal possession of 460 bags of PDS rice worth about Rs.1,29,950/- without any permission or license from the State Government.

5. In order to curb the illegal activities and considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.50,000/- (Rupees Fifty Thousand Only), to the credit of the Registered Advocates Clerks Association, Vellore, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates Clerks.

6. It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, 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 shall make non-refundable deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) through demand draft to the credit of Registered Advocates Clerks Association, Vellore, without prejudice to his defence before the trial Court and on such deposit, the petitioner shall



execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-I, Cuddalore, 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 learned 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 Wednesday at 10.30a.m., until further orders.

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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



8. With the above directions, this Criminal Original Petition is ordered

WEB COPY

-sd/-
25/01/2022

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, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE STATION HOUSE OFFICER,
CSCID, CUDDALORE POLICE STATION
CUDDALORE

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION, VELLORE.

+1 CC to M/S. M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO.1206

CRL OP.1494/2022

Date :25/01/2022

JPA 27/01/2022