



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.3302 of 2022

Velmurugan

...Petitioner

Vs.

State rep. by its
Inspector of Police,
Civil Supply CID,
Coimbatore,
Coimbatore District.
(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 on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on **28.12.2021** for the offences under **Sections 6(4) of TN Scheduled Commodities (RDCS) order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955** in Crime No.267 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on conducting check up at Sindhamani Pudur, Saraswathi Hospital bye-pass junction near Godown, Coimbatore, the police officials stopped a lorry bearing registration No.TN 69 K 7161 loading the PDS rice for selling in other State, and arrested the petitioner and other accused persons when they tried to escape from that place. The lorry had been loaded with 50 kgs x 600 bags i.e. 30,000 kgs of PDC rice, which was seized by the respondent police.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the property alleged to be transported are all recovered and as of now, the material objects which are required for completing the investigation, are all in the custody of the respondent. It is his further submission that the petitioner is under judicial custody from 28.12.2021 and also the other accused in this case are all enlarged on bail by this Court. He would further submit that the petitioner is ready and willing to deposit Rs.50,000/- as non refundable deposit to the credit of Adayar cancer institute, chennai. Hence, he prays for bail.

4. Ms.G.V.Kasthuri, learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the investigation is pending in this case. However, she fairly admits that the material objects and the rice which was transported at the relevant point of time are all recovered by the investigating agency.

5. The submissions made by the learned counsel on either side are considered.

6. The present case has been registered against the petitioner for the offences punishable under Sections 6(4) of TN Scheduled Commodities (RDCS) order, 1982 r/w 7(1)(a)(ii) of Essential Commodities Act, 1955. As of now, the material objects which are all necessary for completing the investigation are all recovered. The petitioner is not having any previous antecedents. Other accused are all arrested and enlarged on bail. Hence, taking note of all the above said aspects into consideration and having regard to the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the condition. Accordingly, the petitioner is ordered to be released on bail subject to the condition.

(a) the petitioner is ordered to be released on bail on 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.IV, Coimbatore.**

(b) the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of **Adayar cancer institute, chennai**, and after such deposit he is directed to produce the receipt before the Magistrate when at the time of execution of bond.

(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 daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

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

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

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

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

-sd/-
11/02/2022

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.IV, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 THE INSPECTOR OF POLICE,
CIVIL SUPPLY CID,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

6 THE ADYAR CANCER INSTITUTE,
CHENNAI.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.2257

CRL OP.3302/2022

Date :11/02/2022

TA-11/02/2022