



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3356 of 2022

1.A.Manikandan
2.Kaviyan

... Petitioners

Vs.

The State rep. by
The Station House Officer,
CS - CID, Cuddalore Police Station,
Cuddalore District.
(Crime No.20 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.20 of 2022 on the file of the respondent police.

For Petitioners : Mr.A.Sathish Kumar

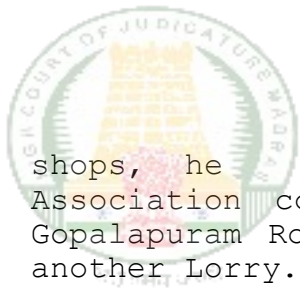
For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 25.01.2022 for the offences under Sections 6(4) of TN Scheduled Commodities (RCDS) order, 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1955 in Crime No.20 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that, on 23.01.2022 the lorry loaded at Virdhachalam godown with 19,950 Kgs of PDS for delivery to Muthanai and Virthagirikuppam ration shops. Thereafter, due to non-availability of the officers in concerned



shops, he instructed the lorry driver to park the lorry at Association Complex. But, the lorry driver himself took lorry to Gopalapuram Road, Kachirayanatham and shifted the above PDS rice to another Lorry.

3. The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are working as a loadman in A1 lorry and anticipatory bail has already been granted to the other accused by this Court. Further, they are suffering incarceration from 25.01.2022. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the investigation is pending. Further, she admits that other accused in this case have already been granted anticipatory bail by this Court.

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

6. It seems that on 23.01.2022 in a lorry having registration number TN28 K 0210, under instruction given by the owner of the lorry, the petitioners herein shifted the PDS rice from one lorry to another lorry. Now the property, which are all necessary for conducting investigation has already been recovered. Hence, custody of the petitioner is not necessary for completing the investigation. Therefore, on considering the nature of the offence committed by the petitioners, this Court is inclined to allow this application. Accordingly, the petitioner is ordered to be released on bail subject to the condition.

(a) the petitioners are ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) (each) with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate No.1, Cuddalore.

(b) the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) (each) to the credit of Adayar cancer institute, chennai.

(b) 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;



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(c) the petitioners 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.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) 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];

(f) 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/-
10/02/2022

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.I, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].



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

4 THE OFFICER INCHARGE
SUB JAIL, VILLUPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 ADYAR CANCER INSTITUTE,
CHENNAI.

+1 CC to M/S A.SATHISHKUMAR Advocate on payment of necessary
charges SR.NO.2176

CRL OP.3356/2022

Date :10/02/2022

JPA 10/02/2022