



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4057 of 2022

Raji

... Petitioner /Accused

versus

State by
The Inspector of Police,
CSCID Police Station,
Cuddalore District.
(Crime No.26 of 2022)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.26 of 2022 on the file of the respondent police.

For petitioner : Mr.K.Thenrajan

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 02.02.2022 for an offence punishable under Sections 6(4), 6(2), (3) of Tamil Nadu Scheduled Commodities (RDCS) Order 1982 r/w 7 (1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.26 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner herein and other accused have illegally transported essential commodities to black-markets at Uppanattru Bridge, Devanampattinam. Hence, the complaint.

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 petitioner herein is a loadman only and without knowing the consequences, he and other accused travelled alongwith the property which alleged to be handed over to PDS office. It is his specific submission that the petitioner is in the judicial custody from 02.02.2022 onwards. On instructions he further submits that without prejudice to his defence



and contentions, the petitioner on his own volition, is willing to contribute a sum of Rs.5,000/- for the purpose of improving and maintaining the Government Schools. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she admits that the alleged occurrence had happened as per the instructions given by the Salesman (A1).

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offence punishable under Sections 6(4), 6(2), (3) of Tamil Nadu Scheduled Commodities (RDSCS) Order 1982 r/w 7(1)(a)(ii) of the Essential Commodities Act, 1955. As per the submission made by the learned Additional Public Prosecutor, the case projected by the prosecution is that during the relevant point of time, as per the directions given by A1, who is the Salesman, the petitioner herein and other accused transported the materials which are all have to be handed over to PDS office. The petitioner is a loadman, who acted upon the instructions given by the Salesman. Further, the property which was attempted to be stolen were recovered along with the lorry, which was used for the commission of offence.

6. Therefore, taking note of all the above said aspects into consideration and the petitioner is in incarceration from 02.02.2022 onwards and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.5,000/- for the purpose of improving and maintaining the Government Schools, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute 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.II, Cuddalore;

(b) The petitioner shall make a non-refundable deposit of Rs.5,000/- to the credit of "The Chief Educational Officer, Cuddalore District, for the rehabilitation and improvement of the basic needs of the Government Schools in the said District under necessary acknowledgment without prejudice to their defence before the trial court and submit proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the receipt/acknowledgment shall accept the sureties furnished by the petitioner ;



(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 are directed to appear before the respondent police daily at 10.00 a.m. until further orders;

(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 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];

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

8. In the result, this Criminal Original Petition is ordered and the Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred for the improvement/rehabilitation of the Schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-

24/02/2022

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.II, CUDDALORE

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
CSCID POLICE STATION,
CUDDALORE.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE JAILER,
SUB JAIL, PANRUTI

6 THE CHIEF EDUCATIONAL OFFICER
CUDDALORE DISTRICT.

CC to M/S. K.THENRAJAN Advocate on payment of necessary charges
Sr.2887

CRL OP.4057/2022

Date :24/02/2022

RVR 25/02/2022