



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.Nos.4000 & 4052 of 2022

CrI.O.P.No.4000 of 2022

Baskaran

... Petitioner /Accused

versus

State by
Station House Officer,
Civil Supplies, CID Cuddalore,
Cuddalore District.
(Crime No.26 of 2022)

... Respondent /Complainant

CrI.O.P.No.4052 of 2022

1. Prabakaran
2. Ramaraj
3. Sarathkumar
4. Balamurugan
5. Ashokkumar

... Petitioners /Accused

versus

State by
Station House Officer,
Civil Supplies, CID Cuddalore,
Cuddalore District.
(Crime No.26 of 2022)

... Respondent/Complainant

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

For petitioners : Mr.I.Abrar Mohamed Abdullah
(in both cases)

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor
(in both cases)



COMMON ORDER

The petitioners, who were 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, seek bail.

2. The case of the prosecution is that the petitioners 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 petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners herein are loadmen only and without knowing the consequences, they travelled along with the property which alleged to be handed over to PDS office. It is his specific submission that the petitioners are in the judicial custody from 02.02.2022 onwards. On instructions he further submits that **without prejudice to their defence and contentions, the petitioners on their own volition, are willing to contribute a sum of Rs.5,000/- each 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) and he is not a petitioner in these applications.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioners for the 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. 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 petitioners herein transported the materials which are all have to be handed over to PDS office. The petitioners are loadmen acted upon the instructions given by the Salesman. Now, the Salesman had not filed any of these petitions. 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 also for the reason that there was no direct overt act as attributed against the petitioners and they are in incarceration from 02.02.2022 onwards and also the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of **Rs.5,000/-** each for the purpose of improving and maintaining the Government Schools, this Court is inclined to grant bail to the petitioners subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions;

(a) the petitioners 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.I, Cuddalore;

(b) The petitioners shall make a non-refundable deposit of **Rs.5,000/-** each 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 petitioners ;**

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

(e) the petitioners 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.



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.I, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
CIVIL SUPPLIES, CID, CUDDALORE,
CUDDALORE DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, PANRUTI.

Copy To:

THE CHIEF EDUCATIONAL OFFICER,
CUDDALORE DISTRICT.

+2 CC to M/S.I.ABRAR MOHAMED ABDULLAH Advocate on payment of
necessary charges SR.NO.2869, 2870

CRL OP.4000 & 4052/2022

Date :24/02/2022

TA-25/02/2022.