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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

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

CrI.O.P.No.6078 of 2022

C.Velmurugan

.. Petitioner

Vs.

The Station House Officer,
CSCID Cuddalore Police Station,
Cuddalore District.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in connection with Crime No.267 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Muthu Selvam

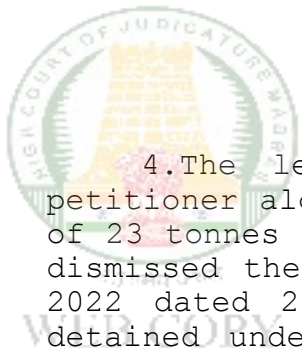
For Respondent : Mr.L.Baskaran
Government Advocate (CrI.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 26.12.2021 for the offence under Sections 6(4) of TNSC (RDCS) Order 1982 r/w 7(1) a (ii) of EC 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 when the respondent police were on regular patrol, they found that the petitioner along with 5 others had involved in illegal transportation of 23 tonnes of PDS Rice worth about Rs.1,29,950/- . Hence the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and he has been suffering incarceration for more than 83 days from 26.12.2021. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute as may be directed by this Court Hence, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that the petitioner along with 5 others had involved in illegal transportation of 23 tonnes of PDS Rice worth about Rs.1,29,950/- and this Court has dismissed the petitioner's earlier bail petition in Crl.OP.No.969 of 2022 dated 24.01.2022 on the ground that the petitioner has been detained under Act 14 of 1982. He further submits that the said detention order has been revoked by the Government on 03.03.2022.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration suffered by the petitioner and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Cuddalore, and on further condition that:

(a) the petitioner is directed to pay a sum of Rs.10,000/- (Rupees Ten thousand only) to the Tamil Nadu Advocate Clerk Association, Chennai, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily on every Wednesday and Sunday at 10.30 a.m., until further orders ;

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

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

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



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

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-sd/-
18/03/2022

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-I,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE STATION HOUSE OFFICE,
CSCID CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE TAMIL NADU ADVOCATE CLERK ASSOCIATION,
CHENNAI.

+1CC to M/S. D.MUTHUSELVAM Advocate on payment of necessary charges SR.No.4169

CRL OP.6078/2022

Date :18/03/2022

CSK 18/03/2022