



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11294 of 2022

1 VINOD

[PETITIONERS / ACCUSED]

2 SADDAM HUSSAIN

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE
CIVIL SUPPLY CID, POLLACHI,
COIMBATORE DISTRICT.
CRIME NO.108 OF 2022.

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 22.04.2022, for the alleged offence under Section 6(4), the TN Scheduled Commodities (RDCS) Order 1982, Section 7(1) (a) (ii) of Essential Commodities Act, 1955, in Crime No.108 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused persons illegally transported 30,000 Kgs of PDS rice to Kerala and the value of the same was Rs.1,69,500/-. There are totally four accused persons in this case and the petitioners have been arrayed as A3 and A4.

3. The learned counsel for the petitioners submitted that the petitioners are the driver and cleaner of the lorry. They have nothing to do with the alleged offence. The learned counsel further submitted that the petitioners have already suffered incarceration for more than 20 days. The learned counsel also submitted that the petitioners will comply with any condition imposed by this Court.



4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the total value of the PDS rice that was illegally transported, amounts to a sum of Rs.1,69,500/- and the entire rice bags have been recovered. The learned Government Advocate further submitted that there are no previous cases against the petitioners.

5. Taking into consideration the facts and circumstances of the case and the fact that the illegally transported PDS rice has already been seized and the petitioners are only driver and cleaner of the lorry and they have already suffered incarceration for more than 20 days, this Court is inclined to enlarge the petitioners on bail subject to certain conditions.

6 . Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate - IV, Coimbatore, and on further conditions that:-

[a] The petitioners shall pay a sum of Rs.2500/- (Rupees Two Thousand Five Hundred only), each, as costs, to the credit of the President, Tamil Nadu Advocates Clerk Association, Madras High Court, Chennai (Indian Bank, High Court Branch, A/c No.484026006, IFSC Code:IDIB000M157), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

[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 petitioners shall report before the respondent police on every Friday at 6.30 p.m, for a period of four weeks and thereafter, as and when required.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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.

WEB COPY

-sd/-
18/05/2022

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, 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, POLLACHI,
COIMBATORE DISTRICT.
COIMBATORE DISTRICT.
5. THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE
6. THE PRESIDENT,
TAMIL NADU ADVOCATES CLERK ASSOCIATION,
MADRAS HIGH COURT, CHENNAI
(INDIAN BANK, HIGH COURT BRANCH,
A/C NO.484026006, IFSC CODE:IDIB000M157)

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.No. No. 7186.

CRL OP.11294/2022

Date :18/05/2022

SP(18/05/2022)