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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.13453 of 2022

Ganesan @ Pepsi Ganesan

..Petitioner

Vs.

State represented by
Station House Officer,
C.S.C.I.D, Cuddalore Police Station,
Cuddalore District.
Crime No.79 of 2022

..Respondent

PRAYER:-

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the above said crime No.79 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.05.2022 for the offence under Section 6 (4) Tamil Nadu Schedule Commodities (RDCS) Order 1982 r/w Section 7 (1) (a) (II) Essential Commodities Act, 1955 in crime No.79 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with two others were found in possession of 120 rice bags and each contains 50 kg totally around 6000 kg of ration. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the present case and he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally three accused in which the petitioner is arrayed as A1 and the accused were found in possession of 6000 kg of PDS. He would also submit that the petitioner has one previous case against him. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of his arrest on 23.05.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One lakh only) as non refundable deposit to the credit of the Registered Advocate Clerk Association, Cuddalore, and on such deposit, 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Cuddalore and on further conditions that:-

[a] the petitioner and 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;

[b] the petitioner shall deposit Rs. Rs.1,00,000/- (Rupees One lakh only) as non refundable deposit to the credit of the Registered Advocate Clerk Association, Cuddalore.

[c] the petitioner shall report before the respondent police daily 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/-
10/06/2022

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
C.S.C.I.D CUDDALORE POLICE STATION,
CUDDALORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION, CUDDALORE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.N.U.PRESSANNA Advocate on payment of necessary charges SR.No.8802

CRL OP.13453/2022

Date :10/06/2022

CSK 10/06/2022