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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2022

CORAM

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

Crl.OP.No.13877 of 2022

1.Ramadoss

2.Jayabal

..Petitioners

Vs.

State Rep by
Station House Officer,
CSCID 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 crime No.79 of 2022 pending investigation on the file of the respondent police.

For Petitioners : Mr.N.U.Pressanna

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

ORDER

The petitioners, who were arrested and remanded to judicial custody on 30.04.2022 for the offences punishable under Sections 6(4) Tamilnadu Scheduled 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, seek bail.

2. The case of the prosecution is that the accused persons were loading 7000 kg of PDS rice in a Mahindra Maximo vehicle bearing registration No.TN 32 J 7261 without any proof for possessing the same. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they are no way connected with the alleged offence. Hence, he prays to grant bail to the petitioners.



4. The learned Additional Public Prosecutor submitted that the petitioners along with other accused persons were loading 7000 kg of pds rice on the occurrence day, wherein the petitioners/A2 & A3 are driver and cleaner of the vehicle. He would further submit that the petitioners have no previous cases. However, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts of the case and the also the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners shall jointly donate 10 bags of ponni rice (each 50 kg) to Amala Children Home, No.115, Veerreddikuppam, Aladipalakollai Road, Cuddalore 606 104 (ph.No.95855 99000) and on such donation, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) (each) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-1, Cuddalore and on further conditions that :-

[a] 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 petitioners shall jointly donate 10 bags of ponni rice (each 50 kg) to Amala Children Home, No.115, Veerreddikuppam, Aladipalakollai Road, Cuddalore 606 104 (ph.No.95855 99000), and that the receipt of such donation shall be produced before the concerned Magistrate at the time of executing the bond;

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

16/06/2022

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 STATION HOUSE OFFICER,
CSCID CUDDALORE POLICE STATION,
CUDDALORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

6 AMALA CHILDREN HOME, NO.115,
VEEREDDIKUPPAM, ALADIPALAKOLLAI ROAD,
CUDDALORE 606 104 (PH.NO.95855 99000)

+1 CC to MR.N.U.PRESSANNA Advocate on payment of necessary charges SR.NO. 9293

CRL OP.13877/2022

Date :16/06/2022

RW-16/06/2022