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CrI.OP.No.16040 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2022

CORAM

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

CrI.OP.No.16040 of 2022

M.Magesh

...Petitioner

Vs.

The Inspector of Police,
CBCID North Vellore,
Vellore District.

Crime No.1 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with the case in
Crime No.1 of 2022 on the file of Respondent Police.

For Petitioner	: Mr.M.Guruprasad for M/s.S.Premakumari
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.05.2022 for the offences punishable under Sections 166, 167, 420, 120B of IPC @ 166, 167, 420, 465, 467, 468, 471, 409, 120(b) of IPC in crime No.1 of 2022 on the file of the respondent police, seeks



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bail.

2. The case of the prosecution is that during 01.10.2020 to 30.09.2021, the officers who worked in the TNSCS, Vellore & Tiruvannamalai Regional Office and the staff who worked in the direct paddy procurement centers, in collaboration with individuals, procured paddy at the direct paddy procurement centers without proper scrutiny. The defacto complainant i.e. Regional Manager, Tamilnadu Civil Supplies Corporation, Vellore Region had lodged a complaint against all TNCSC Vellore Regional Office Officers and Staff related to paddy procurement to take appropriate action against them, who had cheated the Government by not implementing the Government scheme properly for personal gain and misuse of the state scheme and causing loss to the state by not giving subsidy to the farmers. As far as the petitioner herein is concerned he along with the other staff of Tamilnadu Civil Supply Corporation, Vellore Region, had procured the paddy from the individuals without verifying the land documents.

3. The learned counsel for the petitioner would submit that



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the petitioner has been implicated as an accused only on the confession statement of other accused persons and there is absolutely no evidence to show that the petitioner received commission as alleged by the prosecution. He is the Superintendent of TNCSC, Vellore at the time of occurrence and at present, he is working at Pudukottai region. During his service, the petitioner purchased paddy from farmers directly in Vellore region after verifying proper bills. He further submitted that the petitioner was arrested and remanded to judicial custody on 24.05.2022. Even according to the case of the prosecution, as far as this petitioner, the petitioner received commission of Rs.29,68,705/- while purchasing paddy from the merchants. He is now suspended from service and also he is facing disciplinary proceedings initiated by the Department

4. The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner was a procurement officer in the cadre of Superintendent in procurement of paddy through direct purchase centers at TNCSC, Vellore Regional Office, Vellore during the period 01.10.2020 to 30.09.2021. He was in charge of 19 direct purchase centers manned by the temporary bill clerks, helpers and they are under direct



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control of him. The petitioner after generating bills in the name of merchants and informed them to send their paddy against the bill generated in their name. Thereafter, the merchants transported the said quantity of paddy directly to the storage godowns without entering direct purchase centers as directed by him. He also prepared relevant records with forged land documents and send it to the Regional Office for disbursement of cash. After crediting the said amount to the merchants, he received a sum of Rs.150/- per bag containing 40 kg paddy. He also indulged in malpractices in collusion with the other officials of TNCSC and merchants while procuring the paddy to the tune of Rs.45,36,18,124/- through 19 direct purchase centers, in which he received commission of Rs.29,68,705/- . Hence, he vehemently opposed grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 24.05.2022, this Court is inclined to grant bail to the petitioner. 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**



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only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, Vellore, Vellore District**, 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 petitioner shall report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

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

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

20.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate No.III,
Vellore, Vellore District.
- 2.The Inspector of Police,
CBCID North Vellore,
Vellore District.
- 3.Central Jail,
Vellore, Vellore District.
- 4.The Public Prosecutor,
High Court of Madras

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