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CrI.OP.No.16879 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.16879 of 2022

Sivaraman

...Petitioner

Vs.

The State rep. by
The SI of Police,
Vellore CSCID Police Station,
Vellore.

Crime No.141/2022

..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.141 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Krishnan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2022 for the offences punishable under Section 6(4) of TN Scheduled Commodities (RDCS) Order, 1982 and 7(1)(a)(ii) of



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Essential Commodities Act, 1955 in crime No.141 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.06.2022, when the *de-facto* complainant was on duty near SR gate, Karpagam Co-operative Shop No.9, A1 to A3 were shifting PDS BR rice 4500 kgs, RR Rice 6000 Kgs, Sugar 1300 Kgs, Ravai 240 Kgs, Dhall 800 Kgs, oil 500 litres from a lorry bearing registration No. TN-23 B 3787 to the Ashok Leyland Dost Lorry No.TN 20 CA 6846. When they tried to catch them, the loading persons ran away and the driver of the lorry TN 23 B 3787 was caught. He confessed that A1 instructed him to load the materials into the lorry. When the *de-facto* complainant enquired A1, he told that the shop No.15 sales man/petitioner herein had instructed him to do so and then the *de-facto* complainant seized the property. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been implicated in this case based on the confession statement of A1. Hence, he prays to grant bail to the petitioner.



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4. 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., 28.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall donate 10 bags of Ponni Rice (each 50 kgs) and 2 bags of toor dal (each 25 kgs) to **Mudhiyar Balr Kudumpa Grama Panni (MBKG Pannai), Kasam, Katpadi, Vellore District, Ph-9843462100** and on such donation, 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, Vellore**, 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 donate 10 bags of Ponni Rice (each 50 kgs) and 2 bags of toor dal (each 25 kgs) to **Mudhiyar Balr Kudumpa Grama Panni (MBKG Pannai), Kasam, Katpadi, Vellore District, Ph-9843462100** and the receipt of such donation shall be produced before the concerned learned Magistrate at the time of execution of bond.



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[c] 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.

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

[e] the petitioner 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 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]**.

[g] 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,
Vellore.
- 2.The SI of Police,
Vellore CSCID Police Station,
Vellore.
- 3.Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras

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